A

COLLECTION

OF

State Tracts,

Publiſh'd during the

REIGN

OF

King William III.

VOL. II.

WITH A

Table of the ſeveral TRACTS in this Volume,

AND AN

Alphabetical INDEX of Matters.

LONDON,
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FH
MVSEVM
BRITANNICVM

ADVERTISEMENT.

IT may be thought needleſs, after what has been ſaid in the Preface to the Firſt Volume (not to mention the good Reception it has met with) to repeat any thing of the Uſefulneſs of this Undertaking. But if it ſhould be objected that two or three Tracts here publiſh'd are foreign to this Deſign, as not being ſtrictly Political; *it may be conſider'd, that foraſmuch as thoſe Tracts do tend to promote the Civil Intereſt of Human Societies in one Reſpect or another, 'twas not improper to preſerve 'em in this Collection. And as to ſome Pamphlets here printed, which oppoſe one another, particularly on the Subject of a* Standing Army, *and the* Reſumption of the Forfeited Eſtates in Ireland, *in both which 'twas poſſible for thoſe who lov'd their Country to have different Sentiments; 'twas thought moſt candid to publiſh ſuch Tracts as were ſuppos'd to contain the Strength of the Arguments on both ſides; It not being the buſineſs of the Publiſhers to pretend to determine which Party has the ſtrongeſt Reaſons, but to leave every one to judg for himſelf. If ſome Perſons will not allow this to be a ſufficient Reaſon, yet the Advantage a Reader often receives, by ſeeing the Books anſwer'd as well as the Anſwers themſelves, 'tis hop'd will juſtify what has been done in this reſpect.*

It only remains to acquaint thoſe Gentlemen who might expect to find ſeveral Pieces of Mr. Sam. Johnſon *in this Collection, aud likewiſe of another Author who has written divers Diſcourſes on the Affairs of* Scotland; *that 'tis ſhortly deſign'd to print all Mr.* Johnſon's *Works in one Volume in* Folio: *And 'tis probable the other's may be alſo publiſh'd together.*

Books lately Publiſh'd, on Political Subjects.

ADvices from *Parnaſſus*, in two Centurys; with the *Political Touchſtone*, and an Appendix to it. Written by *Trajano Boccalini*. To which is added, a Continuation of the Advices, by *Girolamo Briani* of *Modena*. Tranſlated from the *Italian* by ſeveral Hands. Revis'd and corrected by Mr. *John Hughes*.

Diſcourſes concerning Government, by *Algernon Sidney*. The Second Edition corrected. To which is added the Paper he deliver'd to the Sheriffs at his Execution, and an Alphabetical Table; with his Effigies done from an Original.

The *Oceana* of *James Harrington*, and his other Works. With his Life prefix'd.

N. B. *There was a ſmall Number of each of theſe* 3 *Books printed on Large Paper.*

The True Intereſt and Political Maxims of the Republick of *Holland* and *Weſt-Frieſland*. Written by *John De Witt* and other Great Men in *Holland*.

A Collection of Fables taken from the moſt Celebrated Mythologiſts. With Political Reflections upon them. Suppos'd to be written by the ſame Authors.

An Account of the Courts of *Pruſſia* and *Hanover*, ſent to a Miniſter of State in *Holland*. To which is added, The Ordinances, Privileges and Statutes of the Royal Academy erected by the King of *Pruſſia* in *Berlin*.

Pliny's Panegyrick on the Emperor *Trajan*. Done into *Engliſh* from the Original, and dedicated to her Royal Highneſs the Princeſs *Sophia* of *Hanover*. By *Geo. Smith* Eſq;

The Titles of the ſeveral Tracts contain'd in the Second Volume.

Remarks upon the Trials of Edward Fitzharris, Stephen Colledge, *Count* Coningſmark, *the Lord* Ruſſel, *Col.* Sidney, Henry Corniſh, *and* Charles Bateman; *as alſo on the Earl of* Shaftsbury's *Grand Jury*, Wilmer's Homine Replegiando, *and the Award of Execution againſt Sir* Thomas Armſtrong. *Written by Sir* John Hawles. Page 1.

An Anſwer to the late King James's *Declaration to all his pretended Subjects in the Kingdom of* England, *dated at* Dublin *Caſtle*, May 8. 1689. 61.

A Letter from a Divine to a Member of Parliament, in defence of the Bill for the Uniting of Proteſtants; with the Member of Parliament's Anſwer. 71.

Plain Engliſh, *or an Inquiry concerning the real and pretended Friends to the* Engliſh *Monarchy. With an Appendix, concerning the Coronation-Oath adminiſter'd to King* James II. 79.

A modeſt Inquiry into the Cauſes of the preſent Diſaſters in England, *and who they are that brought the* French *Fleet into the* Engliſh *Channel, deſcrib'd.* 95.

An Anſwer to the Paper deliver'd by Mr. Aſhton *at his Execution to Sir* Francis Child, *Sheriff of* London. *Together with the Paper it ſelf.* 104.

Taxes no Charge, in a Letter from a Gentleman to a Perſon of Quality; ſhewing the Nature, Uſe and Benefit of Taxes in this Kingdom, compar'd with the Impoſitions of Foreign States. Together with their Improvement of Trade in time of War. 116.

A Diſcourſe ſhewing how the Incouragement of Mechanick Induſtry does naturally tend to the Intereſt of Popular Governments, and Civil Societies, both in their Religious and Political Rights. 130.

St. Paul *the Tentmaker, a Diſcourſe ſhewing how Religion has been promoted by the induſtrious Mechanick.* 145.

A Letter to a Friend concerning the Behaviour of Chriſtians under the various Revolutions of State Government. 159.

Reflections upon the late famous Petition of the Common Council of London, *and the well Timing of it*, &c. 169.

The Petition it ſelf. 787.

An Inquiry into the Cauſes which have fruſtrated our Expectations from the late happy Revolution, and obſtructed the Progreſs of our Affairs. 177.

Reaſons for a Bill againſt Buying and Selling Offices. 186.

The Earl of Stamford's *Speech at the General Quarter Seſſions held for the County of* Leiceſter, Michaelmas 1691. 189.

The Earl of Warrington's *Speech upon his being ſworn Mayor of* Cheſter, Novemb. 1691. 193.

——*His Speech to the Grand Jury of* Cheſter, April 13. 1692. 195.

——*His Charge to the Grand Jury at the Quarter Seſſions for the County of* Cheſter, Octob. 11. 1692. 201.

The State of Parties, and of the Publick as influenc'd by thoſe Parties in this Conjuncture, offer'd to Engliſhmen. 208.

An Impartial Inquiry into the Cauſes of the preſent Fears and Dangers of the Government; in a Diſcourſe between a Lord Lieutenant and one of his Deputies, ſummon'd to hold a Lieutenancy for raiſing the Militia. 218.

The late King James's *Letter to his Privy Counſellors; with juſt Reflections upon it, and on the pretended Prince of* Wales; *and a ſhort Account of the Judgment of the Parliament,* 1 Edw. 4. *in Confutation of the Author of* The Caſe of Allegiance to a King in Poſſeſſion. *With the Reaſons why the Sham-birth has not been publickly expos'd.* 234.

The Titles of the ſeveral Tracts.

A Letter to a Friend concerning a French *Invaſion to reſtore the late King* James *to his Throne; and what may be expected from him, ſhould he be ſucceſsful in it.* 243

A Second Letter to a Friend concerning a French *Invaſion; in which the Declaration lately diſpers'd under the Title of* His Majeſty's moſt Gracious Declaration to all his loving Subjects, commanding their Aſſiſtance againſt the Prince of *Orange* and his Adherents, *is intirely and exactly publiſh'd, with ſome ſhort Obſervations upon it.* 253

The Pretences of the French *Invaſion examin'd, for the Information of the People of* England. 265

Reflections upon the late K. James's *Declaration, lately diſpers'd by the* Jacobites. 271

A true Account of the horrid Conſpiracy againſt the Life of his Majeſty K. William; *ſetting forth by whom it was contriv'd, how it was to be carry'd on, and the manner of its Diſcovery.* 279

Reflections upon the late horrid Conſpiracy, contriv'd by ſome of the French *Court, to murder his Majeſty in* Flanders; *and for which Monſieur* Grandval, *one of the Aſſaſſinates, was executed.* 285

Short and impartial Conſiderations upon the preſent State of Affairs in England. 299

Some Conſiderations about the moſt proper way of raiſing Mony in the preſent Conjuncture. By John Hamden *Eſq;* 309

Some ſhort Conſiderations concerning the State of the Nation. By the ſame Author. 320

An Inquiry, or a Diſcourſe between a Yeoman of Kent, *and a Knight of a Shire, upon the Prorogation of the Parliament to the* 2d *of* May 1693. *and the King's refuſing to ſign the Triennial Bill,* &c. *By Major* Wildman, *Mr.* Hamden, *&c.* 330

The Earl of Warrington's *Charge to the Grand Jury at* Cheſter, April 25. 1693. 342

An Anſwer to the late K. James's *Declaration, dated at* St. Germains, April 17. N. S. 1693. 349

The Lord Chief Baron Atkins's *Speech to Sir* William Aſhhurſt, *Lord Mayor Elect of* London, *on his being ſworn in the* Exchequer, Octob. 30. 1693. 361

The Maxims of the Great Almanzor. 367

A ſhort State of our Condition with relation to the preſent Parliament, commonly call'd, Huſhmony Paper. *By* C. Lawton *Eſq;* 369

A Dialogue between Whig *and* Tory, *alias* Williamite *and* Jacobite. *Wherein the Principles and Practices of each Party are fairly and impartially ſtated; that thereby Miſtakes and Prejudices may be remov'd from amongſt us, and all thoſe who prefer* Engliſh *Liberty and Proteſtant Religion to* French *Slavery and Popery, may be inform'd how to chuſe fit Inſtruments for our Preſervation. Dedicated to K.* William. *By* B. O. *Eſq;* 371

An Inquiry into the Nature and Obligation of Legal Rights, with reſpect to the Popular Pleas of the late K. James's *remaining Right to the Crown.* 392

Reflections upon the Conditions of Peace offer'd by France, 1694. *and the Means to be employ'd for the procuring of better.* 412

The Engliſhman's *Choice and true Intereſt, in a vigorous Proſecution of the War againſt* France. 422

An Eſſay concerning Obedience to the Supreme Powers, and the Duty of Subjects in all Revolutions. By Dr. Tindal. 431

An Eſſay concerning the Laws of Nations, and the Rights of Sovereigns. With an Account of what was ſaid at the Council-Board by the Civilians upon the Queſtion, Whether their Majeſties Subjects taken at Sea acting by the late King's Commiſſion, might not be look'd on as Pirates? *With Reflections on the Arguments of Sir* T. P. *and Dr.* Ol. *By the ſame Author.* 462

A Collection of the Debates and Proceedings in Parliament, in 1694 *and* 1695. *upon the Inquiry into the late Briberies and corrupt Practices.* 475

A Supplement to the ſaid Collection. 510

A Defence of the Archbiſhop's Sermon on the Death of her late Majeſty of bleſſed Memory; and of the Sermons of the late Archbiſhop Tillotſon, *&c. againſt the Aſperſions of two late Pamphlets intitul'd,* Remarks on ſome late Sermons, *&c. and* A Letter to the Author of a Sermon preach'd at the Funeral of the late Q. *Mary.* 522

A Diſcourſe about the Raiſing Men; in which it is ſhew'd, that it is more for the Intereſt of the Nation that the Pariſhes ſhould be oblig'd to provide Men for the Service of the War, than to continue to raiſe 'em in the ordinary Way. And all Objections are anſwer'd, particularly the Popular one, That this Way of raiſing Men is a Violation of Liberty and Property. 539

A Letter to a Friend, in Vindication of the Proceedings againſt Sir John Fenwick *by Bill of Attainder; with ſome Remarks on his printed Paper.* 551

An

The Titles of the ſeveral Tracts.

An Argument ſhewing, that a Standing Army is inconſiſtent with a Free Government, and abſolutely deſtructive to the Conſtitution of the Engliſh *Mouarchy.* 564

The Second Part of the ſame Argument. 577

A Letter ballancing the Neceſſity of keeping a Land-Force in times of Peace, with the Dangers that may follow on it. 585

A Letter from the Author of the Argument againſt a Standing Army, to the Author of the Ballancing Letter. 590

The Militia Reform'd, or an eaſy Scheme of furniſhing England *with a conſtant Land-Force, capable to prevent or to ſubdue any Foreign Power, and to maintain perpetual Quiet at home, without endangering the Publick Liberty.* 594

A Letter to a Member of Parliament, ſhewing that a Reſtraint on the Preſs is inconſiſtent with the Proteſtant Religion, and dangerous to the Liberties of the Nation. 614

The Anatomy of a Project for raiſing Two Millions. 627

A Letter to King William III. *ſhewing, 1. The Original Foundation of the* Engliſh *Monarchy. 2. The Means by which it was remov'd from that Foundation. 3. The Expedients by which it has been ſupported ſince that Removal. 4. Its preſent Conſtitution as to all its Integral Parts. 5. The beſt Means by which its Grandure may be for ever maintain'd. By* Will. Stephens, *B. D.* 631

The Danger of Mercenary Parliaments. 638

Conſiderations on the Nature of Parliaments, and our preſent Elections, 1698. 645

Conſiderations upon the Choice of a Speaker of the Houſe of Commons in the approaching Seſſion, 1698. 651

A ſhort Hiſtory of Standing Armys in England. 653

A Letter to a Member of Parliament concerning Guards and Gariſons. 678

A Letter concerning the four Regiments commonly call'd Marines. 680

The Seaman's Opinion of a Standing Army in England, *in oppoſition to a Fleet at Sea, as the beſt Security of this Kingdom. In a Letter to a Merchant, written by a Sailor.* 684

An Eſſay on a Regiſtry for Titles of Lands. By John Aſgil *Eſq;* 693

Some Objections againſt the Regiſtry-Bill ſtated and anſwer'd. 704

The Importance of Publick Credit. 706

The Report of the Commiſſioners appointed by Parliament to inquire into the Iriſh *Forfeitures, deliver'd to the Honourable Houſe of Commons,* Dec. 15. 1699. *With their Reſolutions and Addreſſes to his Majeſty relating to thoſe Forfeitures; as alſo his Majeſty's Gracious Anſwers thereunto, and his Speech to both Houſes of Parliament,* Jan. 5. 1699. 709

Other Papers relating to the Iriſh *Report,* viz. *The Memorial of the Earl of* Drogheda, *Sir* Fr. Brewſter, *and Sir* R. Leving, *to the other four Commiſſioners, about refuſing to ſign eight Paragraphs in the ſaid Report,* 723. *A Copy of a Letter from the ſaid three Commiſſioners to the Lord Chancellor of* England, 724. *Debates in the Houſe of Commons concerning a Report raiſed by Sir* R. Leving *upon four others of the Commiſſioners,* 726. *The Commons Reſolutions thereupon,* &c. 733.

Jus Regium, *or the King's Right to grant Forfeitures, and other Revenues of the Crown, fully ſet forth and trac'd from the beginning; his Majeſty vindicated as to his Promiſe concerning his diſpoſal of the Forfeited Eſtates: The manifold Hardſhips of the Reſumption, and the little Advantage we ſhall reap by it plainly demonſtrated.* 733

A Letter from a Soldier to the Commons of England, *occaſion'd by an Addreſs now carrying on by the Proteſtants in* Ireland, *in order to take away the Fund appropriated for the Payment of the Arrears of the Army.* 773

REMARKS

REMARKS
UPON THE
TRIALS
OF

Edward Fitzharris,
Stephen Colledge,
Count *Coningsmark*,
The Lord *Ruſſel*,
Colonel *Sidney*,
Henry Corniſh,
and
Charles Bateman;

As alſo on the Earl of *Shaftsbury*'s Grand Jury,

Wilmer's *Homine Replegiando*,

And the Award of Execution againſt Sir *Thomas Armſtrong*.

THE ſtrange Revolution which hath of late happen'd in our Nation, naturally leads one into the Conſiderations of the Cauſe of it. The Danger of ſubverting the Eſtabliſh'd Religion, and invading Property, alone could not be the Cauſes. For if it be true, that the ſame Cauſes have generally the ſame Effect: it is plain, that in the Reign of a precedent Monarch, the Subverſion of the Eſtabliſh'd Religion was as much deſign'd, or at leaſt was believ'd to be ſo, as of late; and it is not material whether what was ſuſpected was true, or not; and Property was as much invaded as of late, by impoſing Ship-mony, and other Taxes in the Nation, but more eſpecially Ship-mony; which at firſt was light and eaſy, but in progreſs of time was increas'd, according as it was found the Nation would bear it. And at length it was feared, as there was juſt reaſon ſo to do, that it would become as burdenſom, as what is now impos'd on the *French* Nation by the *French* King; and yet when the War broke out, if the Hiſtory of thoſe Times, or the Perſons who liv'd about thoſe Times, are to be believ'd, the majority of the Nation took part with the King. There were therefore ſome other Reaſons for the Diſaffection of the Nation to the late Government, and they may be ranked under theſe ſix Heads.

Cauſe of the late Revolution.

Cauſes in former Reigns.

Exorbitant Fines; Cruel and Illegal Proſecutions; Outrageous Damages; Seizing the Charters; Diſpenſing with the Teſt and Penal Laws; and undue Proſecutions in Criminal, but more eſpecially in Capital Matters.

Other cauſes of the Nation's diſaffection

For the firſt I ſhall only obſerve, That when the Houſe of Commons in the Parliament 1680. took that Matter into conſideration, and intended to impeach ſeveral Perſons for the ſame, the higheſt Fine at that time complain'd of, was but 1000 *l.*

Exorbitant Fines.

and yet in few Years they were heightned to 10000 *l.* 20000 *l.* 30000 *l.* and 40000 *l.*

Cruel Puniſhments. For the Second, The puniſhment of *Oates*, *Dangerfield*, and Mr. *Johnſon*; and the cloſe Impriſonment of Mr. *Hamden*, Sir *Samuel Barnardiſton*, and of ſeveral other Perſons, as they were againſt Law, ſo they were without Precedent.

Outrageous Damages. For the Third, Tho the Damages given to *Bolſworth* were the firſt outrageous Damages given, which were taken notice of, and in truth were ſuch; yet in little time Damages for matters of like kind were quickly improv'd to 10000 *l.* 20000 *l.* 40000 *l.* nay 100000 *l.* The truth of which a great many living Witneſſes to their ſorrow can teſtify.

Seizing Charters. For the Fourth, The ſeizing the City and other Charters, upon the pretences they were queſtion'd, was without Example.

Diſpenſing Power. For the Fifth, The diſpenſing with the Teſt and Penal Laws, was as miſchievous as it was illegal; it making Perſons capable, who were incapacitated by Law of being in Places, of exerciſing Offices, for whom the Perſons who had Power to confer or beſtow the ſame, had more affection than for the Perſons who at that preſent enjoy'd them: the Conſequence of which was quickly ſeen, in turning out the preſent Poſſeſſors to make room for others; which was the thing which, as a *Scotch* Biſhop ſaid of another Matter, *ſet the Kiln afire.*

Of theſe five Particulars ſomething hereafter may be ſaid, at preſent this Treatiſe is only to conſider, how far the Proceedings in Capital Matters of late Years have been Regular or Irregular: And as to that I ſhall not at all conſider how far the Perſons hereafter mention'd were guilty of the Crimes of which they were accus'd, but how far the Evidence againſt them was convincing to prove them Guilty, and what Crimes the Facts proved againſt them in Law were.

Remarks on Fitzharris's *Trial.*

Fitzharris an Iriſh Papiſt. THE firſt Perſon I ſhall begin withal ſhall be *Fitzharris*; and that it may not be wondred, that the Trial and Condemnation of a Perſon who was confeſſedly an *Iriſh Papiſt*, ſhould be complain'd of; and one whoſe Crimes were ſuch, that if the Law declar'd had not made Capital, it had been juſt, in reſpect of the Malefactor, for the Legiſlative Power to have enacted, that he ſhould ſuffer the ſevereſt Puniſhment uſually inflicted for the higheſt Crime: yet in reſpect of the common good, it had been juſt and fit to have pardon'd him, if he would have confeſs'd who were his Conſpirators and Setters on; for I am apt to think, that if that Matter had been thorowly look'd into, ſome Perſons afterwards Witneſſes in the Lord *Ruſſel*'s, Colonel *Sidney*'s, and Mr. *Hamden*'s Trials, had either never been produc'd, or have not been credited if produc'd; nor would my Lord of *Eſſex*'s Throat have been cut; and my Lord *Ruſſel* and Colonel *Sidney* might have worn their Heads on their Shoulders to this day.

Fit to be pardon'd if he would confeſs who ſet him on.

All will agree, that there was a great ſtruggle between the *Whigs* and *Tories* as they were then call'd, for hanging or ſaving that Man: Both agreed he deſerv'd to be hang'd; the firſt thought it their advantage to ſave him if he would confeſs; the laſt thought it was fit to hang him for fear he would confeſs. And to explain the Matter, it is fit to go a little higher: It cannot but be remembred, that before the breaking out of the piſh Plot, Mr. *Claypole* was impriſon'd in the *Tower* for deſigning to kill the King, in ſuch place and manner as *Oates* afterwards diſcover'd the Papiſts intended to do it. In *Trinity* Term 1678. he had an *Habeas Corpus* to the *King's Bench*, and was brought thither in order to be bailed, and produced Perſons of worth to bail him; but the Penalty of the Bail ſet by the Court was ſo high, and the Court ſo aggravated the Crime for which he was committed, and the likelyhood of the Truth of it, that the Bail refus'd to ſtand, and *Claypole* was remanded to the *Tower*. But the Term after, when the Matter of which he was accus'd, appear'd barefac'd to be the Deſign of other People, he was let go, for fear the Examination of it ſhould go further in proving the Popiſh Plot, than any thing at that time diſcover'd. And if it were now diſcover'd, upon whoſe and what Evidence he was committed, it would go a great way in diſcovering the Truth of ma-

Great ſtruggle about him.

Mr. Claypole's *treatment.*

ny

ny Matters as yet in the dark (but that Design miscarry'd, because the Intrigue was discover'd before it took effect, and yet a like Design was still carry'd on; and many of the Clergy of the Church of *England* had been prevail'd with to cry the *Popish* up as a *Fanatick* Plot.) The *Papists* and the Clergy of the Church of *England* being in the late Times equally Sufferers, and oppress't by the *Fanaticks*, they naturally grew to have a Kindness for each other, and both join'd in hating the *Fanaticks*, and therefore pretended at least that they did not believe any thing of the *Popish Plot*, but that that Report was given out by the *Fanaticks*, whilst they themselves were designing something against the Church of *England*. The *Papists* having so great a part of the Clergy of the Church of *England*, ready to believe any thing of a *Fanatick Plot*, which they should forge, and observing that that which gave Credit to the *Popish Plot*, was Writings concurring with Oral Testimony, which it did; for very little of the Truth of the *Popish Plot* depended on the Credit of *Oates*, *Bedloe*, or any other Person, most of the Facts of that Design, when discover'd, proving themselves: To instance in one, *Oates* discover'd *Coleman* had Intelligence with *Le Chaise* of a Design on *England*, and that *Coleman* had Papers testifying as much; when those Papers were seiz'd, and own'd by *Coleman*, and the purport of them was what *Oates* said they were, it was not material, whether *Oates* was a Man of Truth or not, the Papers, without *Oates* his further Evidence, sufficiently prov'd the Design. I say, the *Papists*, having observ'd what the Evidence was which gave Credit to that Plot, resolv'd to pursue the same steps, and therefore *Dangerfield* was made use of to leave Papers in Colonel *Mansel* his Lodging, who was an Acquaintance of my Lord *Shaftesbury*'s, importing a Plot; but that was so foolishly carried on, and the then Attorny General, who had the Examination of that Matter, not being qualify'd with the Assurance his Successor had, to carry on a thing that had neither Sense nor Honesty in it, made such a scurvy Report of the matter to the King and Council, that they were enforc'd to vote *Mansel* innocent, *Dangerfield* guilty, and that it was a Design of the *Papists* to lay a Plot to the Dissenters Charge, and a further proof of the *Popish Plot*. But that Attorny General being remov'd to a place of more Honor, tho of less Profit, and another put in his place, the *Papists* resolv'd to carry on the same Design, and no Person a fitter Instrument than *Fitzharris*, in respect of his Religion and his Acquaintance; but before his Design came to perfection, it was discovered.

Many Clergymen cry down the Popish Plot.

Coleman's *Letters the sure Evidence of the Popish Plot.*

He was first impriso'n'd in *Newgate*, where some Persons (amongst whom Mr. *Cornish*, as I remember, then Sheriff, was believed to be one, and it was not the least of his Crime, that he endeavor'd to look into that *arcanum*) went to examine him as to the particulars of that Design; which was quickly taken notice of, and the Prisoner, in breach of the *Habeas Corpus* Act, remov'd from thence to the *Tower*, where he was kept close Prisoner.

Fitzharris *examin'd in* Newgate *by Mr.* Cornish.

The Parliament at *Oxford* meeting soon after *Fitzharris* his Apprehension, and the House of Commons being inform'd of as much of his Design as was then discovered, they thought themselves highly concern'd to examine him; but how to do it they knew not; only they resolv'd (upon a Report which one of their Members made them of one *Hubert*, who confessed himself guilty of Firing the City of *London*, upon which it was resolv'd to examine him in the House of Commons the next Morning, but before the House sat *Hubert* was hang'd) that *Fitzharris* should not be hang'd without their Knowledg and Consent; and to effect it, they remembred a design to try the five *Popish* Lords in the *Tower* upon Indictments, whereupon if they should be acquitted, it was thought that those Acquittals might be pleadable to Impeachments: to prevent which the House had exhibited general Impeachments of High Treason against them in the House of Lords; which had such success, that the Lords were never, and the Judges gave their Opinion that they could not be tried on the Indictments, as long as the Impeachments were in being; for which Reason, the House of Commons exhibited a general Impeachment of High Treason in the House of Lords against *Fitzharris*, which was receiv'd; after which the House of Lords made an Order, that *Fitzharris* might or should be try'd in the *King's-Bench* for the same Treason; suddenly after which, that Parliament was dissolv'd. Whether *Fitzharris* his Business was the break-neck of that Parliament, I know not, but it was shrewdly suspected it was.

The Oxford *Parliament concern themselves in* Fitzharris's *Trial.*

Thought to have occasion'd its Dissolution.

There was at that time a Chief Justice in the *King's-Bench*, who was himself under an Impeachment of High Treason, and had not for that reason sat in Court for some Terms preceding: and the Trial of *Fitzharris* being generally look'd

upon to be as illegal as it was odious, it was thought convenient to carry it on by a Perſon of better Credit; whereupon one who had been a puiſny Judg of that Court, and had behaved himſelf very plauſibly, and had gained Credit by being turn'd out, was thought to be the fitteſt Perſon to undertake it: and accordingly the then preſent Chief Juſtice was remov'd, and the other was preferred to his place.

A new Chief Juſtice made on purpoſe to try him.

It being reſolv'd that *Fitzharris* ſhould be try'd, the buſineſs was how to get Witneſſes to give Evidence to a Jury, and how to get Juries to find the Bill, and to convict the Priſoner, which were difficult Preliminaries.

Difficulties about the Trial.

A Perſon who had been one of the Houſe of Commons which had exhibited the Impeachment, was a principal Witneſs: but if he ſhould give Evidence on the Indictment, he knew not how far he might be hereafter queſtionable and puniſhable for it, when a Parliament ſhould ſit again; but at laſt that Perſon was prevail'd upon to give Evidence, but by what means is beſt known to himſelf. And as for the Juries, Grand and Petty, they were ſatisfy'd with the direction of the Court, that they not only might, but ought to find the Bill, and Verdict according to their Evidence. And I think the Court was ſo far in the Right.

Indicted for High Treaſon at the Kings Bench.

That matter being adjuſted, a Bill of High Treaſon was found againſt the Priſoner, whereupon he was preſently arraigned; and after much Conteſt and Declaration of the Court, that they could hear nothing till he had pleaded in chief, (which if he had done, the *Plea* he afterwards pleaded, which was to the Juriſdiction of the Court, had come too late) he had leave given him to plead the ſpecial matter of the Impeachment, and accordingly Counſel were aſſign'd him to draw up and argue his *Plea* put in to the Juriſdiction of the Court; which was, *That he was impeached in a Superior Court for the ſame Treaſon.*

Great endeavors were uſed to have the *Plea* over-rul'd, without ſo much as hearing the Priſoner's Counſel for the maintaining it; the pretences were, that the Priſoner on his *Plea* ought to have produced the Record of his Impeachment, and that the *Plea* of the Impeachment for High Treaſon in general was naught, without ſpecifying what the High Treaſon was for which he was impeach'd; for an Impeachment or an Indictment of High Treaſon in general was naught; that the King had power to proceed on an Impeachment or Indictment for the ſame thing at his Election: That the Allegation, that *Fitzharris* was impeach'd, which Impeachment ſtood in full force, not having mention'd an Impeachment before, was naught. But afterwards the Attorny General demurred, and the Priſoner join'd in the Demurrer.

Plea about the Juriſdiction of the Court.

And then day was given to argue the *Plea* till *Saturday* the *7th* of *May*, at which time the Attorny added to the Exceptions he took to the Plea, whether a Suit in a Superior Court can take away the Juriſdiction of another inferior Court, who had an Original Juriſdiction of the Cauſe, of the Perſon, and of the Fact, at the time of the Fact committed?

Difference betwixt an Impeachment and Indictment argued.

To maintain the Plea, the Counſel for the Priſoner alledged, that an Impeachment differ'd from an Indictment; the firſt was at the ſuit of the Commons of *England*, and was like an Appeal, or rather an Appeal reſembl'd an Impeachment; that the proceedings were different in the Trials: In the firſt, the Trial is by the Houſe of Lords; in the laſt, of a Commoner, by a Jury of Commons: In the laſt, but little time was allowed for giving or conſidering of the Evidence; in the firſt a much longer time: That this matter was never practiſed before; that the King may pardon a Criminal proſecuted by an Indictment, but not by an Impeachment, no more than if proſecuted by an Appeal: If he ſhould be acquitted on the Indictment, it might be a queſtion whether that may be pleaded in Bar to the Impeachment; and if not, the Priſoner ſhould be brought twice in jeopardy of his Life for the ſame Crime, contrary to the Rule of Law.

Objections anſwered.

To the Objection, that the *Plea* was not certain, it being pleaded as an Impeachment of High Treaſon, not ſetting forth the High Treaſon in particular, it was anſwer'd, that an Impeachment differ'd from an Indictment: for by the Cuſtom of *Parliament*, which is the Law of the Land, ſuch a general Impeachment is good; but by the Law, a general Indictment of High Treaſon, without ſpecifying what, when, where, or how, is not good; and therefore the *Plea* of an Indictment and an Impeachment is variant.

As to the Objection, that there was no Impeachment mention'd before the averment of *quæ quidem impetitio*, it was frivolous; for it was before mention'd that he was impeach'd, and then by a neceſſary Conſequence there was an Impeachment.

As

As to the Objection, that the King might, in which Court he would, proſecute for High Treaſon, it was little to the purpoſe; for the Caſe did not come up to it, the Impeachment being the Suit of the Commons, and not of the King; and that the Courts of *Weſtminſter Hall* had refus'd to meddle with Matters relating to the *Parliament*. That tho the Impeachment was general, yet it was made certain by the Averment; that it was for the ſame Crime for which the Indictment was: That the Attorny General might have taken Iſſue; that there was no ſuch Impeachment as was pleaded; or elſe he might have ſaid, that the Impeachment was not for the ſame Teaſon, for which he was indicted; but having demur'd, he had confeſs'd both to be true: That at Common Law, if an Appeal of Murder had been brought, the King could not proceed on the Indictment, till the Appeal was determin'd; that the Judges, whereof ſome were then in Court, had given their Opinions to the King and Council, concerning the five Popiſh Lords, that they could not be try'd upon Indictments, ſo long as general Impeachments were depending for the ſame Treaſon; and yet their Caſes and this differ'd, there the Indictments were found before the Impeachments prefer'd, and here, after the Impeachment.

Inferior Courts refus'd to meddle in Parliament Matters.

In the reply to vitiate the *Plea*, it was inſiſted, that it did not conclude *ſi curia procedere debeat* as well as *vult*, as was uſual for *Pleas* of that nature to do; that perhaps this Matter, if the Priſoner had been acquitted upon the Impeachment, might have been pleaded in Bar to the Indictment, but it was not pleadable to the Juriſdiction of the Court; that in the Caſe of the five Lords the Indictments were remov'd into the Houſe of Lords; that Appeals in Treaſon are taken away by the firſt of *Henry* the 4*th*; that in the *Plea* it ought to be aver'd, what *Lex & Conſuetudo Parl.* are; that till Articles carry'd up, no Man impeach'd is oblig'd to anſwer; that in all Caſes of Appeals a Man is put twice in jeopardy of his Life, if he be try'd upon an Indictment within a year.

Plea about the Juriſdiction of the Court.

To take a ſhort Review of what hath been recited, it was thought the King's Counſel run the Court upon a Rock, and it was hard for them to get off. The Court had adviſ'd them to take time to conſider what courſe they would take; but the King's Counſel were haſty, as they always were when they were reſolv'd to carry a Matter right or wrong; and having three bad ways, they choſe the worſt.

The King's Counſel overrules the Court.

If they had taken iſſue on the Record, or the Averment, that the Impeachment and Indictment were not for the ſame Treaſon, they might have pretended that the Journal of the Houſe of Lords was not a Record, or that the Debates in the Houſe of Commons were not good Evidence; or if they had reply'd the Order of the Houſe of Lords, for trying the Priſoner in the *King's-Bench*, to the Plea, they might have inſiſted on the Power of the Houſe ſo to do: but having demur'd, they confeſſed the Truth of all the Matter of the Plea, and wav'd the Benefit of that Order, and ſtood upon Points of Law, either conceded by the Court, or reſolv'd by the Judges before, or ſuch neceſſary Inferences from them as were impoſſible to be deny'd.

It could not be deny'd, but that a general Impeachment of High Treaſon by the Cuſtom of Parliament was good; it could not be deny'd, but, by the Reſolution of the Judges in the Caſe of the Lords in the Tower, a general Impeachment of High Treaſon ſtopt proceedings upon an Indictment for the ſame Matter. It did not differ the Caſe, that the Indictments in the *King's-Bench* againſt the Lords, were remov'd into the Houſe of Lords; for every one knows new Indictments might have been prefer'd againſt them for the ſame Crimes. And if that had been the Reaſon of the Judges Reſolution, why did not the Judges then in Court, all or moſt part of whom were Judges at the giving that Opinion, deny the Opinion, or the Reaſon alledg'd? which they did not. It was not a Reaſon to diſallow the Plea, becauſe particular Articles uſe to follow general Impeachments, and the impeacht are not bound to anſwer till the particular Articles were exhibited, which is true; for by the ſame Reaſon, a Defendant cannot plead an Action depending againſt him for the ſame Matter in a ſuperior Court, unleſs the Plaintiff hath declar'd againſt him in the ſuperior Court, which is not true. It was not a Reaſon that all Records in inferior Courts muſt be pleaded particularly, as Indictments, and the like; becauſe ſuch Records muſt be certain and particular, or elſe they are erroneous, and cannot be pleaded; but an Impeachment may be general.

General Impeachment by Cuſtom of Parliament good.

Where the Matter of a Plea is naught, no Form can make it good; tho where the Matter of a Plea is good, an ill Form may ſpoil it. If therefore a general Indictment or Record is naught, as in all the caſes cited againſt the Plea, it was no ſpecial Averment to reduce it to a certainty; or any Form can make it a good Plea: but a general

When a Plea is good or naught as to form.

general Impeachment is good, and therefore it may and muſt be pleaded generally; and pleading it ſpecially, would make it falſe, if there were no ſubſequent Articles, as in this caſe there were not, to aſcertain it.

It is to no purpoſe, to run thro all the Ramble of the Counſel or Court againſt the Plea, when they all ſaid the Matter of the Plea was not in queſtion, but the Form; and yet when ſo often ask'd in what of the Form it was defective? they were not able to anſwer. If it be agreed that the Matter of a Plea is good, but it is defective in Form, they always ſhew how it ought or might have been mended, which in this caſe was never done: And as this Caſe was new in ſeveral particulars, ſo it is in this, that in reading all the Arguments of this Plea, no Man knows, by what was diſcours'd, what was the point in queſtion.

Defects in form ought to be mended.

After the Arguments, the Chief Juſtice, in ſhew at leaſt, very favourably offers the Priſoner's Counſel Liberty to amend the Plea, if they could; which they (apprehending, as they had Reaſon, for I think none can ſhew how it might have been mended, rather a Catch than a Favour) refus'd to do; whereupon the Court took time to conſider of it, and on the 11*th* of *May*, there being a great Auditory, rather to hear how the Judges would bring themſelves off, than to know what the Law of the Plea was, the Chief Juſtice, without any Reaſons, deliver'd the Opinion of the Court, upon Conference had with other Judges, that his Brothers *Jones*, *Raymond*, and himſelf were of Opinion that the Plea was inſufficient, his Brother *Dolbin* not reſolv'd, but doubting concerning it, and therefore awarded the Priſoner ſhould plead to the Indictment, which he did, *Not Guilty*; and his Trial order'd to be the next Term.

Offers to mend the Plea of no uſe.

Three of the Judges declare the Plea inſufficient.

I think it would puzzle any Perſon to ſhew, if ever a Court of *Weſtminſter Hall* thought a matter to be of ſuch difficulty as fit to be argu'd, that they gave their Judgments afterwards without the Reaſons: 'Tis true, that the Courts of Civil Law allow Debates amongſt the Judges to be private among themſelves, but the Proceedings at Common Law always were, and ought to be, in *aperta curia*. Had this Practice taken place heretofore, as it hath of late (but all ſince this Precedent) no Man could have known what the Law of *England* was, for the Year-Books and Reports are nothing but a Relation of what is ſaid by the Counſel and Judges in giving Judgment, and contain the Reaſons of the Judgment, which are rarely expreſt in the Record of the Judgment; and it is as much the Duty of a Judg to give the Reaſons why he doubts, as it is of him who is ſatisfy'd in the Judgment. Men ſometimes will be aſham'd to offer thoſe Reaſons in publick, which they may pretend ſatisfy them, if conceal'd; beſides, we have a Maxim in Law undeniable, and of great uſe, that any Perſon whatever may rectify or inform a Court or Judg publickly or privately, as *amicus curiæ*, a Friend to the Court, or a Friend to Juſtice: But can that be done, if the ſtanders by know not the Reaſon upon which the Court pronounce their Judgment? Had the three Judges, who were clear in their Opinion, given their Reaſons of that Opinion, perhaps ſome of the ſtanders by might have ſhew'd Reaſons unthought of by them, to have made them ſtagger in, if not alter that Opinion; or if Juſtice *Dolbin* had given the Reaſon of his doubt, perhaps a ſtander by might have ſhewn him a Reaſon unthought of by him, which would have made him poſitive, that the Plea was, or was not, a good Plea.

The Court ought to give their Reaſons.

If a Man ſwears what is true, not knowing it to be true, tho it be logically a Truth as it is diſtinguiſh'd, yet it is morally a Lye; and if a Judg give Judgment according to Law, not knowing it to be ſo, as if he did not know the Reaſon of it at that time, but bethought himſelf of a Reaſon for it afterwards, tho the Judgment be legal, yet the pronouncing of it is unjuſt.

When one ſwears true or falſe.

Judges ought to be bound up by the Reaſons given in publick, and not ſatisfy or make good their Judgment by after-thought-of Reaſons. How very ill did it become the Chief Juſtice *Popham*, a Perſon of Learning and Parts, in the attainting Sir *Walter Rawleigh*, of which Tryal all ſince that time have complain'd, when he gave his Opinion that the *Affidavit* of the Lord *Cobham*, taken in the Abſence of Sir *Walter*, might be given in Evidence againſt him, without producing the Lord *Cobham* face to face to Sir *Walter* (which was deſir'd by him, altho the Lord *Cobham* was then forthcoming) When he ſum'd up the Evidence, he ſaid, *Juſt then it came into his Mind, why the Accuſer ſhould not come face to face to the Priſoner, becauſe he might detract his Evidence, and when he ſhould ſee himſelf muſt dye, he would think it beſt that his Fellow ſhould live to commit the like Treaſon, and ſo in ſome ſort ſeek Revenge.* Which beſides that it is againſt the Common Law, and Reaſon, it is againſt the expreſs Statute of *E.* 6. which takes care that in Treaſon the Witneſs ſhall be brought face to face of the Perſon accus'd.

Judges ought to give their Reaſons in publick.

Chief Juſtice Popham *cenſur'd for his Opinion in Sir* Walter Rawleigh's *Tryal.*

Did

Did it become a juſt Man to give his Opinion, and bethink himſelf of a Reaſon afterwards? And I am miſtaken if it will not herein appear, that many Perſons complained of, have been guilty of the ſame Weakneſs or Injuſtice, call it which you will; ſo fooliſh are the beſt Lawyers and plauſible Speakers, when they reſolve to carry a point, whether juſt or not: However they may deceive the Ignorant, yet they talk and argue very abſurdly, to the apprehenſion of the majority of Mankind. And they had been ſooner diſcovered, but that the Diſcoverers were quickly ſuppreſt and cruſhed, as Scandalizers of the Juſtice of the Nation: And I think this may be juſtly called the firſt mute Judgment given in *Weſtminſter-Hall.*

The firſt mute Judgment in Weſtminſter-Hall.

But to return to *Fitzharris*'s Trial, which came on the *9th* of *June*; and then the King's Counſel made uſe of their Arts in managing the Jury. And firſt, there were a great many Perſons for Jurors, to whom Mr. Attorny had no Stomach; ſome challenged for Cauſe, for that they were no Freeholders, as *John Kent*, *Giles Shute*, *Nathaniel Grantham*, and ſeveral others; and the Challenge allow'd to be a good Challenge by all the Court; for tho the Chief Juſtice only ſpoke, yet all the Court aſſent to what one Judg ſays, if they do not ſhew their Diſſent. I do not take notice of this, as complaining of it, for I think it is a good Cauſe of Challenge in Treaſon; but then I cannot but wonder at the Aſſurance of the ſame King's Counſel, who denied it to be a good Cauſe of Challenge in the Lord *Ruſſel*'s Trial. It is true, that was a Trial in the City; but that matter had no conſideration in the Judgment: for after the Lord *Ruſſel*'s Counſel had been heard, all the Judges deliver'd their Opinions, That at Common Law, *No Freehold* was no Challenge in Treaſon; and that the *1ſt* and *2d Philip* and *Mary* had reſtor'd the Trial in Treaſon to be what it was at Common Law: of which number of Judges, Sir *Francis Pemberton* and Sir *Thomas Jones* were two; nay Sir *Francis Pemberton* ask'd Mr. *Pollexfen*, *Whether he found any Reſolution at Common Law, that* no Freehold *was a Challenge in Treaſon.* And that Judgment is afterwards cited in Colonel *Sidney*'s Trial, *fol.* 63. as the Opinion of all the Judges of *England*, That *no Freehold* was no Challenge to a Juror in Treaſon at Common Law; and Col. *Sidney*'s Trial was in a County at large.

The Management of the Trial.

No Freeholder, a good Challenge.

But not allow'd here.

But if it was not a Challenge at Common Law, I would know how it came to be a Challenge in *Fitzharris*'s Caſe? There was no intervening Act of Parliament to alter the Law between the two Trials that I know of.

Another Art us'd, was to challenge for the King without Cauſe, where no Cauſe could be ſhewn, ſuch Jurors as they did not like.

Jurors challenged by the King without Cauſe.

The Priſoner was troubled at this, and appeals to the Court, whether the Attorny General was not oblig'd to ſhew his Cauſe of Challenge; but is anſwered by the Court, that he need not till all the Pannel was gone thro, or the reſt of the Jurors challenged, which is true; but had the Priſoner been adviſ'd to challenge the reſt of the Jury, as he would have been if he had had Counſel, the Attorny muſt have wav'd his Challenge, or put off the Trial. And ſince he was not allowed Counſel, why ſhould not the Court, according to their Duty, as they have ſaid it is, have adviſ'd him ſo to do? I am ſure in Count *Coningsmark*'s Trial, when Sir *Francis Winington* challenged a Juror without Cauſe for the King, the Court preſently ask'd the Cauſe; and ſuch Anſwer was made by the Proſecutor's Counſel as was made to *Fitzharris*: Whereupon the Court told the Count, that the way to make them ſhew their Cauſe of Challenge, was to challenge all the reſt of the Jury; and thereupon the Challenge was waved. They were different Practices, tending to different Ends; and accordingly it ſucceeded, *Fitzharris* was convicted, and the Count acquitted.

The Priſoner perplexed, and the Court blamed for not adviſing him.

C. Coningſmark's *Caſe.*

Upon the Trial the Evidence was this, *Fitzharris* was the *21ſt* day of *February*, 1681. with *Everard*, and gave him Heads by word of mouth, to write the Pamphlet in the Indictment mentioned, to ſcandalize the King, raiſe Rebellion, alienate the Hearts of the People, and ſet them together by the Ears; the Libel was to be preſented to the *French* Ambaſſador's Confeſſor, and he was to preſent it to the *French* Ambaſſador, and it was to ſet theſe People together by the Ears, and keep them claſhing and miſtruſting one another, whilſt the *French* ſhould gain *Flanders*, and then they would make no bones of *England*: For which Libel *Everard* was to have forty Guineas, and a monthly Penſion, which ſhould be ſome thouſands of pounds; *Everard* was to be brought into the Cabal, where ſeveral Proteſtants and Parliament men came to give an account to the Ambaſſador how things were tranſacted. *Everard* asked what would be the uſe of the Libels? *Fitzharris* ſaid, we ſhall diſperſe them we know how; they were to be drawn in the name of the Nonconformiſts, and to be put and fathered upon them: This was the ſum of *Everard*'s Evidence.

The Evidence againſt the Priſoner.

Mr.

Mr. Smith *his Evidence.* Mr. *Smith* prov'd *Fitzharris*'s giving Inſtructions to *Everard*; and Sir *William Waller* and others prov'd the Libel, and the Diſcourſe about gaining *Flanders* and *England*: Other Witneſſes were examin'd to prove *Fitzharris*'s hand, for the Priſoner. Dr. *Oates* ſaid, *Everard* told him the Libel was to be printed, and to be ſent about by the Penny-Poſt to the proteſting Lords and leading Men of the Houſe of Commons, who were to be taken up as ſoon as they had it, and ſearched, and to have it found about them. He ſaid the Court had an hand in it, and the King had given *Fitzharris* mony for it already, and would give him more if it had Succeſs.

Mr. Corniſh's *Evidence.* Mr. *Corniſh* ſaid, when he came from *Newgate* to the King, to give him an account in what diſpoſition he found the Priſoner to make a diſcovery, the King ſaid he had had him often before him and his Secretaries, and could make nothing of what he did diſcover; that he had for near three months acquainted the King he was in purſuit of a Plot, of a matter that related much to his Perſon and Government, and that in as much as he made proteſtations of Zeal for his Service, he did countenance and give him ſome mony; that the King ſaid he came to him three months before he appeared at the Council-Table.

Col. Manſel's *Evidence.* Colonel *Manſel* ſaid, that Sir *William Waller* gave him an account of the buſineſs in the preſence of Mr. *Hunt*, and ſeveral others, and ſaid, that when he had acquainted the King with it, the King ſaid he had done him the greateſt piece of ſervice that ever he had done him in his life, and gave him a great many thanks: But he was no ſooner gone, but two Gentlemen told him, the King ſaid he had broken all his meaſures, and the King would have him taken off one way or other, and ſaid that the Deſign was againſt the Proteſtant Lords and Proteſtant Party. Mr. *Hunt* confirmed the ſame thing, and added, that he ſaid the Deſign was to contrive thoſe Papers into the hands of the People, and make them Evidences of Rebellion; and appealed to Sir *William Waller* who was preſent, whether what he ſaid was not true. Mr. *Bethel* ſaid, *Everard* before he had ſeen *Bethel*, or heard him ſpeak a word, put in an Information of Treaſon againſt him, at the inſtigation of *Bethel*'s mortal Enemy; which Information was ſo groundleſs, that tho it was three years before, yet he never heard a word of it till the Friday before.

Mrs. Wall *her Evidence.* Mrs. *Wall* ſaid, *Fitzharris* had 250 *l.* 200 *l.* or 150 *l.* for bringing in the Lord *Howard* of *Eſcrick*; ſhe added, that *Fitzharris* was looked upon to be a Roman Catholick, and upon that account it was ſaid to be dangerous to let him go near the King, that he never was admitted to the King.

Ld Conway's *Evidence.* The Lord *Conway* ſaid, that the King had declared in Council, that *Fitzharris* had been employed by him in ſome trifling buſineſſes, and that he had got mony of him; but added, as of his own Knowledg, that the King never ſpoke with him till after he was taken, which was the 28*th* of *February* laſt.

The Counſel ſum up the Evidence. All the Evidence being over, it was ſum'd up by the Counſel, That upon all the Circumſtances of it, *Fitzharris* was the Contriver aud Directer of the Libel; that it was a treaſonable Libel, and a Jeſuitical Deſign; that the Excuſe he made, as if *Everard* drew him into it, or trepanned him into it, was vain, nothing of that being prov'd. That *Everard* could do nothing alone, and therefore Sir *William Waller* muſt be in the contrivance; but that was unlikely: That the Priſoner would inſinuate that the King hir'd him to do it, becauſe the King gave him mony, but that was out of Charity; and therefore concluded, with a great many words, that an *Engliſh* Proteſtant Jury of twelve ſubſtantial men, could not but find the Priſoner guilty.

Dr. Oates's *Evidence.* The Court added, that tho Dr. *Oates* ſaid, *Everard* ſaid it was a Deſign of the Court, and was to be put on ſome Lords, and into ſome Parliament Mens Pockets; yet *Everard* was there upon Oath, and teſtified no ſuch thing in the World; and for the Impeachment in the Lords Houſe, they were not to take notice of it.

The Juries Scruple about the Vote of Parliam. removed. After which the Jury inform'd the Court, that they heard there was a Vote in the Houſe of Commons, that the Priſoner ſhould not be try'd in any inferior Court: To which the Chief Juſtice ſaid, That that Vote could not alter the Law, and that the Judges of that Court had Conference with all the other Judges concerning that matter; and it was the Opinion of all the Judges of *England*, that that Court had a Juriſdiction to try that Man. After which, Juſtice *Jones* was of Opinion, that if he were acquitted on that Indictment, it might be pleaded in Bar to the Impeachment; and Juſtice *Raymond* deliver'd his Opinion to the ſame purpoſe. It is ſtrange that all the Judges ſhould be of that Opinion; yet before it was ſaid, Juſtice *Dolbin* doubted. It is more ſtrange, that if Juſtice *Dolbin* was not of that Opinion, he would hear it ſaid he was, and not contradict it. It is moſt ſtrange, that if the Judges of that

J. Dolbin *was not of the Opinion of the other Judges.*

Court

Court were of that Opinion, they had not declar'd ſo, in the arguing or giving Judgment on the Plea; for that was the matter of it, being pleaded to the Juriſdiction of the Court, that they had not power to try the Priſoner for that Crime, ſo circumſtanced.

If the Plea had been over-rul'd as to the matter, none would have been ſo impertinent, as to go about to maintain the form of it.

The Evidence not fairly ſum'd up.

Now to ſay truth in behalf of the publick, and not on behalf of *Fitzharris*, the Evidence was unfairly ſummed up; for *Everard* never pretended *Fitzharris* drew him in, or was to trepan him: It is true, he ask'd *Fitzharris* what the deſign of the Pamphlet was, and whether he was not put upon it to trepan others? who anſwer'd, he was not. But afterwards being too nearly preſt by the Attorny General, he ſaid, *Fitzharris* told him the uſe of the Libels was to diſperſe them he knew how; that they were to be drawn in the name of the Non-conformiſts, and put upon them. And *Oates* ſaid, *Everard* ſaid the Libels were to be printed, and ſent abroad by the Penny-Poſt to the proteſting Lords, and leading Men of the Houſe of Commons, and the Perſons ſeiz'd with them in their Pockets; which is all ſtrong Evidence that the Libel was deſign'd to trepan others, and that was all along the import of *Fitzharris* his Queſtions, tho cunningly not anſwer'd by ſome of the Witneſſes, and as cunningly omitted in ſumming up the Evidence.

Everard *not examin'd about what he ſaid to* Dr. Oates.

It is true, the Chief Juſtice ſaid, *Everard* ſaid no ſuch thing as *Oates* had ſaid; but why was not *Everard*, who was then preſent, ask'd whether he ſaid what *Oates* had given in Evidence?

Queries on the whole.

There cannot be ſhewn any Precedent where a Witneſs contradicts, or ſays more or leſs than a Witneſs that went before him, by the hearſay of that Witneſs; but the firſt Witneſs is ask'd, what he ſays to it? Why was not Sir *William Waller*, who was alſo preſent, ask'd what he ſaid to the Evidence of Mr. *Manſell* and Mr. *Hunt*? and who it was that inform'd Sir *William* what the King ſaid? It was no way in proof, nor pretended by *Fitzharris*, that any Perſon was concern'd in that matter, but *Everard* and *Fitzharris*, tho it was ſhrewdly ſuſpected by the Houſe of Commons; and no Man that reads the Trial, but believes there were many more concern'd, not yet diſcover'd: but the Counſel might have brought in any Judg of the Court by the Head and Shoulders to be a Confederate, as well as Sir *William Waller*, who was a *Jack-a-lent* of their own ſetting up, in order to knock him down again.

It was not pretended by *Fitzharris* that the King gave him any Mony to frame that, or any other Libel; there was Evidence, that he had got Mony of the King for ſome little matters he was imployed in, perhaps for bringing Libels diſperſed abroad, or diſcovering Plots.

The Priſoner the only viſible Contriver of the Libel, but who ſet him on not diſcover'd.

Upon the whole Evidence, it was plain that *Fitzharris* was an *Iriſh* Papiſt; it was plain he was the only viſible Contriver of the Libel; who were behind the Curtain, is not plain, and to know them, was the Deſign of the Impeachment.

It was plain it was a deviliſh Jeſuitical Deſign, as the Court and Counſel, in ſumming up the Evidence, agreed it to be; it was plain, that the Libel was ſuch, that if diſperſt with intention to ſtir up the King's Subjects againſt him, it had been High Treaſon within the Statute of the 13*th* of the King: but what the Intention of the contriving the Libel was, was not very certain; and therefore, conſequently what the Crime of it was, was uncertain.

The Deſign of the Libel.

To take the Evidence all the ways, as to the Deſign of the contriving of the Libel, it is capable of being interpreted, the eaſieſt Conſtruction is to ſay, he fram'd a Libel with intention to pretend to the King, that he had intercepted a Libel privately diſperſed; and to make it more likely, it ſhould be framed in the Nonconformiſts Names, to make his Report the more credible (for of Papiſts or Churchmen it could not be believed) to get more Mony of the King; and that matter, by all his Queſtions to the Witneſſes, he moſt drove at; and that would at moſt be but a Cheat.

A more criminal, but leſs credible Conſtruction, is to believe he deſign'd to diſperſe them, to excite and prevail upon the Diſcontented to take up Arms.

The Libel tho diſpers'd had no effect.

For what effect had that Pamphlet, when it was, for it was afterwards diſperſed, upon the Minds of the People? or what effect could any Man of Senſe think it could have? for tho it was a Virulent, yet it was as Fooliſh a contriv'd Libel as ever was writ; yet I own if it had been writ and diſperſed with that Deſign, it had been High-Treaſon within the Statute of *E.* 2.

But the moſt natural Conſtruction of the worſt Deſign of it, was to trepan the

Parliament-men, and make the Libels Evidences of a Rebellious Conſpiracy: this *Everard* confeſſes *Fitzharris* told him was the uſe to be made of them; and *Everard* could not know the Deſign of them, but by what *Fitzharris* told him. And *Oates* well explains what *Everard* meant by the words, in his Evidence, *put the Libel on the Nonconformiſts*, by what *Everard* told him.

The Nonconformiſts to be charg'd with it.

But yet even that, tho in it ſelf the higheſt Crime a Man can be guilty of, next to putting it in Execution, is but a Conſpiracy, which was mildly puniſh'd in *Lane* and *Knox* their Caſe, tho this exceeded that; that being a deſign only againſt one Perſon, this againſt many.

The Libel a Miſdemeanor at moſt.

Yet tho this was of no higher Crime by the Law as now eſtabliſh'd than a Miſdemeanor, it was fit for the Legiſlative Power to have puniſh'd it in the manner it was puniſh'd, which yet the Legiſlative Power ought to reſent as an Injury, for an inferior Court's ſnatching the Exerciſe of that Power out of their hands, which only belongs to the Supreme Authority.

The Crime no Treaſon.

That this Crime, upon Conſtruction of the Evidence taken in the beſt Senſe, is no Treaſon: tho the Libel ſhould in all probability incite the Subject to levy War, which it was not likely to do, or in Fact it had been the cauſe of a Rebellion, yet if it was not deſigned by the Contriver to that purpoſe, it was not Treaſon by the Statute of *Edward* the Third, or *Charles* the Second; for in the laſt Statute it is deſigning to levy War, and in the Statute of *Edward* the 3*d*. it is a ſtrained Conſtruction, to make deſigning to levy War Treaſon; yet none ever pretended to ſtrain the Senſe of that Statute farther than deſigning to do it.

The ill effects of the Libel made it no Treaſon.

If the ill Effects the Libel did, or might produce, made it Treaſon, then Sir *Samuel Aſtrey*, who read it in Court at the Trial, and the Printer that afterwards printed and publiſh'd it, and Sir *William Waller*, who read it to Mr. *Hunt* and others, were guilty of Treaſon; for the Libel carried no Venom or Charm with it the more, for being fram'd by *Fitzharris*, or *Everard*, or for being publiſhed by either of them, than if publiſh'd by another Perſon.

The difference is, *Aſtrey* read it aloud, as his Duty; the Printer printed and publiſhed it for gain; Sir *William Waller* publiſh'd it as a Novelty; and if *Fitzharris* contriv'd it to put it upon the Nonconformiſts or Parliament Men, and not to ſtir up a Rebellion, tho it tended to all the ill Conſequences mention'd in his Indictment, yet it was not Treaſon.

Query about the Intention of the Priſoner.

But it will be urged, how ſhall *Fitzharris* his Intention be proved? it was a queſtion which made a mighty ſputter in arguing the Plea, How ſhall it be proved, that the Impeachment was for the ſame Treaſon for which the Indictment was? But in the Trial of *Fitzharris*, that queſtion was fully cleared; for it was prov'd there, that the very Libel then produced in Court, was the ſame Libel read in the Houſe of Commons, upon which the Impeachment was voted.

And to ſay Truth, nothing can be put in Iſſue, but is capable of Trial: *Quo animo* a thing is done in all overt Acts of a deſign, is one of the main queſtions; or to ſpeak in Law Phraſe, whether done *proditorie* or not, an Adverb of great uſe and ſenſe, tho heretofore ſlighted; and under which, I believe a great many Perſons will be enforc'd to ſhelter themſelves from being puniſh'd by the Law eſtabliſh'd.

The Libel hurt no body but the Contriver.

No Man will pretend, that Libel did any Man miſchief but the Contriver, nor in probability could have done, if not uſed to the purpoſe *Everard* ſaid to *Oates*. Yet other Perſons have been guilty of as illegal Acts, of worſe Conſequences in proſpect, and much worſe in effect, and it did not amount to Treaſon. I dare ſay, the Allegation, that they diſturb'd the Kingdom by their Acts, and War caus'd to be mov'd againſt the King, is true of them, and they are guilty of all the Aggravations us'd in Indictments of Treaſon.

Illegal Acts of worſe conſequence charg'd on others.

To inſtance in ſome of many, did it not make a mighty heart-burning in the City againſt the Government, and rais'd great Jealouſies between the King and People, when the Sheriffs *North* and *Rich* were impos'd on the City? Did not the taking away the City's right of Electing Sheriffs, and the ſuſpicions for what end it was done, beſides the Illegalities that followed? If what Sir *Edward Herbert* ſays in his late Vindication, *fol.* 16. be Law, as it hath an Aſpect as if it were, that Grand Juries return'd by ſuch as are Sheriffs in Fact, but not in right, are illegal, and Convictions on their Preſentments are illegal and void, give great diſturbance, and that Opinion ſeems to be countenanc'd by my Lord *Coke*'s 3*d Inſtit. Fol.* 32. in his Comment on the 11*th* of *Henry* the 4*th*, and conſequently my Lord *Ruſſel*'s and other Attainders void? Did it not add to the heart-burning, the puniſhing

Several inſtances of the ſame.

niſhing thoſe Citizens as Rioters, who were at *Guildhall* innocently conteſting their right of Electing? Was it not an increaſe of the miſchief, the bringing the *Quo Warranto* againſt the City, whereby the Credit of the City was loſt, and many Orphans ſtarved, and more impoveriſhed, beyond the poſſibility of recovery? And it was yet heightned by the Judgment given in the higheſt Caſe that ever came into *Weſtminſter-Hall*, by two Judges only, and that without one word of Reaſon given at the pronouncing, according to the pattern of *Fitzharris* his Caſe, and was the ſecond mute Judgment? Did it not fright all honeſt Men from being on Criminal Juries, when *Wilmer* was ſo illegally proſecuted for not giving a Verdict againſt his Conſcience, by an *homine replegiando* and Information? And did not that make all Merchants, who had Tranſactions beyond Sea, afraid to ſend their Servants thither, for fear they might be laid by the heels till they fetch'd them back again? Did it not ſtartle the Lords and the Leading Men of the Houſe of Commons mention'd ſo often in *Fitzharris* his Trial, when the Earl of *Eſſex*, Lord *Ruſſel*, Colonel *Sidney*, Mr. *Hamden*, and ſeveral others were clapt up cloſe Priſoners in the *Tower?* Did it not deter any honeſt Man from appearing to witneſs the Truth, when Sir *Patience Ward* was convicted of Perjury? Did it not provoke two Great and Noble Families, when the Lord *Ruſſel* and Colonel *Sidney* were ſo illegally and unhandſomly dealt withal, as ſhall be hereafter declar'd? Did it not provoke all the Nation, except the Clergy and Soldiery, when all the Charters of *England* were ſeiz'd, and not regranted, but at exceſſive Rates, to the ſtarving the Poor, who ſhould have been fed with the Mony which went to purchaſe the new Charters, and reſerving the Diſpoſition of all the places of Profit and Power, within the new Corporations, to the King, but which indeed the Confederates ſhar'd amongſt themſelves? Nay the very Election of Burgeſſes, the freeneſs of which is the great Fundamental of the Government, was monopoliz'd, and put into a few hands. Did not the unreaſonable Fines, and cruel Puniſhments inflicted, oppreſs many, terrify all, and conſequently make the Government odious to the Subject? Did not the Cruelties acted in the *Weſt*, enrage above a third part of the Nation? Did not the turning out many of the Soldiery and Clergy, without any reaſon; and for that purpoſe erecting Arbitrary Courts, and granting Diſpenſations to Perſons by Law diſabled, to enable them to have and enjoy the Places and Offices of ſuch as were illegally turn'd out, and of all who ſhould be in like manner turn'd out? And was it not ſeen what the Conſequences of thoſe things would be, by all who did not wink their Eyes, or who were not blinded by the Profit they made of ſuch illegal and cruel Acts? Was not the King at laſt ſenſible, that the Conſequence of what is before recited would be what afterwards happen'd? And did he not in leſs than a Months time, when too late, throw down all that *Babel* of Confuſion which had been ſo long a building, and did all in his Power, and would have done more if he could, to have ſet things as right as they were before the Parliament of *Oxon*; for from thence the Extravagances may be dated. But alas! more miſchief can be and was done by weak Brains, than the beſt Wits can retrieve; thoſe that were dead could not be brought to Life; the Reſtitution of the Cities Charters was but in ſhew a Relief. How ſhall all thoſe defend themſelves, who have acted under all the illegal Sheriffs, conſtituted and not elected? How ſhall thoſe defend themſelves, who have acted under Officers appointed by the new Charters, which by the Reſtitution are gone as if they never had been? How ſhall Sheriffs, Goalers, and other Officers, who have had, or now have Cuſtody of Priſoners; and having not taken the Teſt, truſt to the validity of a Diſpence, behave themſelves? Shall they continue to keep their Priſoners in Cuſtody, or let them go? If the laſt, they are ſubject to Actions of Eſcape; if the firſt, they are liable to falſe Impriſonment. Theſe and a great many more Miſchiefs, not yet ſeen, are the natural reſults of theſe illegal Actions.

All the Nation but the Clergy and Soldiers provok'd by ſeizing all the Charters.

Other Inſtances of great Provocation and Oppreſſion.

I never reflect on theſe things, but I remember *Tully* in his Offices lays down as a Rule, that nothing is Profitable but what is Honeſt, and gives many Reaſons for it; but nothing ſo convincing, as the Examples he brings in publick and private Matters: and tho the Empire was vaſt, and he bore a great Figure in it, and was very knowing, and was well read in the Greek and Roman Hiſtories, yet he was not able to bring a hundredth part of Examples, to prove his Poſition, as have been in this little Iſland in the ſpace of eight Years. And the Perſons, by whoſe advice theſe things were tranſacted, are the more inexcuſable, if it be true what a certain Nobleman (who bore a conſiderable Character in the two late Kings Council) once ſaid to me was true. He was complaining that the King was miſled by

Nothing profitable but what is honeſt.

Nobleman's complaint of the King's being misled by Lawyers.

the Advice of his Lawyers. I ask'd him whether the King put his Judges and Counsel upon doing what was done, without considering whether it was Legal; as the common Vogue was, he did; or that his Lawyers first advis'd what to be done, was Law? He answer'd me, on his Honor, the King's Counsel at Law first advis'd the King might do by Law what he would have done, before he commanded them to do it.

Yet I agree, none of those matters, tho so inconvenient and grievous, are Treason by the Statutes of *E.* 3. or *C.* 2.

For Profit in some Cases, Revenge in others, the endeavoring means to escape Punishment, and a natural propensity to Cruelty in many, were the true ends driven at, and not the bringing their Prince into the hatred of his Subjects, tho that was a necessary consequent of all recited, and of many more matters omitted: And let *Fitzharris* his Crime, and those recited, be but examin'd, his was but a *Peccadillo* to the least of those; tho this was acted by an *Irish Papist*, and those by *English Protestants*, Sons of the Church of *England* as by Law establish'd, as they call themselves; tho I doubt, not sincere Protestants, as my Lord *Russel* said; words which were matter of Laughter to those who brought him to the Block.

Fitzharris *his Crime less mischievous than that of many others before mention'd.*

But, tho neither *Fitzharris* his Crime, taken in the last Sense, nor the above Crimes were High Treason by any Statute; and the Judges have not Power to punish any other Treasons: yet in all times the Parliaments have practised, and it is necessarily incident to all Supreme Powers, in all Governments, to enact or declare extravagant Crimes to be greater than by the established Law they are declared to be, not by virtue of the Clause in the Statute of *Edward* the 3*d.* whereby some have, by mistake, thought that a Power was reserved to the *Parliament* to declare other matters Treason, than what is therein expreſt: for admit that Clause had been omitted, there are none can doubt, but in point of Power, the *Parliament* could (how far in Justice they might, is another Question) have declar'd any other matter to be Treason; and the words of that Clause are very improper Expressions, either to vest or reserve a Power in the *Parliament*, for the words are only prohibitory to the Judges, to adjudg any other Matters Treason, than those expreſt in the Act, tho they were somewhat like those expres'd, and therefore might be suppos'd Treasons; and it is a sort of monition to Offenders, that they should not presume to be guilty of Enormous Crimes, upon presumption that they were not Treasons within that Act. For in the Preamble 'tis said, because many other like Cases of Treason (which in Sense are Cases like Treason declared in that Act) may happen in time to come, which could not be thought of or declar'd at that present; therefore if any such should happen before any Justice, the Justice should tarry, and not proceed to give Judgment of Treason on it, till it should be judg'd in Parliament, Treason or Felony. How well the Judges in late days have observed this prohibitory Law, let the World judg; and most certainly the Parliament might have declar'd in *Fitzharris* his Case, as they may in those other, that the Crimes were Treason, Felony, Misprision of Treason, Trespass, or what other Crime known in the Law, and inflict what Punishment they thought fit; and it is no injustice for the Supreme Power to punish a Fact in a higher manner than by Law establish'd, if the Fact in its nature is a Crime, and the Circumstances make it much more heinous than ordinarily such Crimes are. It was not injustice in the Parliament of the second and third of *Philip* and *Mary* to enact, that *Smith* and others, who were suppos'd to be guilty as Accessaries to a barbarous Murder, and were equally if not more guilty than the Principal, to enact, as they did, that if they should be found guilty as Accessaries, they should not have their Clergys, which at the time of committing the Fact Accessaries to Murder were allow'd to have. It is true, to declare or enact a Fact, after it is committed, to be a Crime, which when committed was in it self none, such as transporting Wool beyond Sea, and the like, would be high Injustice.

His Crime amounts not to Treason by any Statute.

The Clause in the Statute of Ed. 3. *consider'd and explain'd.*

Remarks upon Colledge's *Trial.*

BUT to return whence I have digreſt, *Fitzharris* being executed according to his Sentence, tho there was great grumbling amongſt the Proteſtants, that thoſe who ſet him on work were conceal'd and never like to be diſcover'd now he was dead; yet all was quiet, and the Conſpirators, who reſolv'd, tho *Fitzharris* miſcarry'd in his Deſign, yet the *Plot* ſhould go on, but what it ſhould be, or where the Scene of it ſhould be laid, or who the *Plotters* ſhould be, they were not well reſolv'd.

Many grumble at the Execution of Fitzharris.

Great noiſe of Warrants being iſſu'd out there was, but at laſt all center'd in an inconſiderable Fellow, one *Stephen Colledge*, a *Joiner* by Trade, who for his Honour, as a Priſoner of State, was committed to the *Tower* for High Treaſon. At firſt it was deſign'd to lay the Scene in *London*, and accordingly a Bill of Indictment of High Treaſon was exhibited to the Grand Jury (whereof *Wilmer* was Foreman) at the Seſſions Houſe: but the Buſineſs of *Fitzharris* was ſo new, and ſmelt ſo rank, that the Bill could not be digeſted, but was ſpew'd out with an *Ignoramus*; for which *Wilmer* was afterwards forc'd to fly his Country.

Colledge *ſent to the Tower.*

Then it was reſolv'd the Scene ſhould be at *Oxford*, and accordingly the King's Counſel, with *Iriſh* Witneſſes, at the Aſſizes, poſt thither, and prevail with the Grand Jury to find the Bill; but by what Arts is not known, for he was privately ſhut up with them: and I ſhould wonder, if he, who frequently in the hearing of thoſe who underſtood better than himſelf, had Aſſurance enough to impoſe upon the Courts, ſhould ſcruple in private to impoſe any thing on an ignorant Jury.

Sent to Oxford.

I know not how long the Practice in that Matter of admitting Counſel to a Grand Jury hath been; I am ſure it is a very unjuſtifiable and unſufferable one. If the Grand Jury have a Doubt in Point of Law, they ought to have recourſe to the Court, and that publickly and not privately, and not rely upon the private Opinion of Counſel, eſpecially of the King's Counſel, who are, or at leaſt behave themſelves as if they were Parties.

The Jury practis'd upon.

It is true, it is ſaid they are upon their Oaths; and tho it be not expreſt in their Oaths, that they ſhould do right between the King and Subjects, yet that is imply'd in the Oath I agree. But have they behav'd themſelves as if they were under an Oath? beſides, all Men are not capable of giving Advice to be rely'd on in ſo great a Matter as Life; but the Manner of doing it being in private, can never be juſtify'd. I know in *Fitzharris* his Caſe, the King's Counſel were cajoling the Grand Jury in private for ſome Hours: but I did not think fit to take notice of it in that Trial, becauſe I think both the Grand and Petty Jury did very well, they acted according to the beſt of their Underſtanding, which is all that God or Man requir'd of them; they ask'd pertinent Queſtions, they were overrul'd in ſome, not fully anſwer'd in others: not that I think either of them gave a Verdict according to Law upon the Fact, as it appear'd upon the Evidence; but that was not the Fault of the Jury, but of the King's Counſel, and of the Court who miſled the Jury. I thought it more proper to take notice of it in this Trial, wherein the firſt Bill was rejected by an underſtanding Jury; and all Men wonder'd how the ſecondcame to be found *Billa Vera*; and for that reaſon one of the King's Counſel boaſted at Court of his Service and cunning Management in the Matter.

Practiſing on the Grand Jury unfair.

Grand Jury finds the Bill againſt Colledge.

The Bill being found, the next Matter was to bring the Priſoner to his Trial: and as he had more Honour than what uſually is beſtow'd on ſo mean a Man, to be committed to the Tower, tho in truth it was to keep him from all means of Defence; ſo to carry the Matter on, he was allow'd to have, by order of the King and Council, a Counſel and Sollicitor to come to him, and adviſe him for his Defence at all Events; a Favour deny'd to *Fitzharris*, for his Counſel was to adviſe to the Matter of the Plea only: but that Favour in ſhew was only to betray him, as ſhall be ſhewn. And a third Favour he had, which no Man of his Quality ever had; there were then three of the King's Counſel ſent from *London*, and all the Counſel that could be pick'd up upon the ſpot, which were three more, and no leſs than four Judges to proſecute and try him; but that was to make ſure Work of him.

Allow'd Counſel.

Three of the King's Counſel ſent from London.

The 17*th* of *Auguſt*, 1681. he came to his Trial: his Indictment, as to part, was in common Form for Treaſon, but particularly for deſigning to ſeize the King's Perſon h*is Trial.*

Comes to

ſon at *Oxford*, mixt with Words he ſhould ſay, as, That there was no good to be expected from the King, he minded nothing but Beaſtlineſs, and that he endeavour'd to eſtabliſh Arbitrary Power and Popery. To which being requir'd to plead, he deſir'd a Copy of the Indictment, a Copy of the Jury, to know upon what Statute he was indicted, and Counſel to adviſe him whether he had any thing pleadable in Bar, all which were deny'd him. Then he deſir'd he might have his Papers, which were taken from him after he was brought from the Priſon, and before he came into Court, at an Houſe over againſt the Court; for ſo it ſeems the King's Counſel had order'd the Matter, that the Goaler *Murrel*, and the Meſſenger *Sawel*, after they had him out of the Priſon, ſhould run him into an Houſe, and take away all his Papers, which they believ'd were the Inſtructions, as in truth they were, of the Counſel aſſign'd him when in the Tower, and bring the Papers to them, whereby they would not only diſable him of his Defence, but they could be better inſtructed how to proceed in a way for which he had not provided himſelf of any Defence.

Is deny'd a Copy of the Indictment and Jury.

His Papers taken from him, and deny'd to be reſtor'd to him.

Murrel and *Sawel* did as the King's Counſel directed them; much wrangle there was whether he ſhould have his Papers or not, all the Court agreed he ſhould not have them till he had pleaded *Guilty* or not *Guilty*; and afterwards he ſhould have the Uſe of ſome, and not of others, becauſe they did not appear to be written by himſelf, but by ſome Counſel or Sollicitor; and, as they ſaid, none is allow'd in Treaſon, unleſs aſſign'd by the Court. The Chief Juſtice *North* ſaid they were not taken away by him; but ſays *Colledge*, they were taken away by the Keeper under pretence of bringing them to his Lordſhip. The Court ſaid they knew not what Papers he meant, and knew nothing of it; he ſaid the Indictment mention'd ſomething of Miſdemeanor as well as Treaſon, but he knew not how to make his Exceptions without his Papers. I have thought fit to mention all theſe things, becauſe this Trial was the inlet to all that follow'd, and gave Encouragement to ſpill nobler Blood. The Injuſtice of the Violence us'd to the Priſoner, muſt be meaſur'd from the Reaſons given for it, that the Papers were Inſtructions from Counſel and Sollicitors, and none in Law was allow'd in Treaſon. 'Tis true, no Counſel are allow'd for the Priſoner in a Trial upon an Indictment of any capital Matter; but in an Appeal for capital Matters, Counſel are allow'd even on the Trial. The reaſon given, that the Indictment is the Suit of the King, and no Counſel or Witneſs is allowable in a capital Matter againſt the King, is fooliſh, as ſhall be hereafter ſhown; and as vain is the Reaſon that the Judges are Counſel for the Priſoner, which they ought to be: but I doubt it will be ſuſpected, that in this Caſe and many others, they did not make the beſt of their Clients Caſe; nay, generally have betray'd their poor Client, to pleaſe, as they apprehended, their better Client, the King; for ſo they ſay, they are to be Counſel likewiſe for the King in Indictments, that is to ſay, they are to be indifferent and upright between both, ſo certainly they are to be in Appeals; therefore that is not the Reaſon why no Counſel is allow'd the Priſoner in the Indictment, but the true Reaſon in probability is, that the Priſoners in Indictments are generally ſo very poor that they could not be at the Charge of having Counſel, and ſo Non-uſage gave Colour of a Law.

Debate about reſtoring his Papers.

Pleads for his Papers.

Why Counſel is refuſed in Crimes of Treaſon.

Judges betray their poor Client.

The other Reaſon my Lord *Coke* gives for it, *viz.* that much of Truth may be diſcern'd by the Priſoner's Behaviour, or Anſwers, which would be conceal'd if he ſpoke by another, is not ſatisfactory; for the ſame is to be ſaid in an Appeal. As to the publick, it is not material whether a Man is proſecuted and puniſht by an Indictment, or an Appeal; and that Appeals are leſs frequent than Indictments, is only that the firſt is more chargeable than the laſt, for tho we hear not of late of any Appeals but in Murder, yet they lie in Robbery, Burglary, Felony, and in all Crimes at Common Law puniſhable by loſs of Life or Member: but tho the Rule in Indictments is, That no Counſel is allow'd, yet it is confin'd to the Trial; no Law, Common or Statute, nor any Uſage ſays, a Priſoner ſhall not have Counſel to adviſe him before or after the Trial; and in Murder and all other Crimes, it is always admitted, and why not in Treaſon?

Another reaſon why Counſel is deny'd in Indictments not good.

In Treaſon, ſay ſome, 'tis Criminal for one to adviſe or ſollicite for the Priſoner; and the King's Counſel ſaid, he had known one indicted for being a Sollicitor for one in High Treaſon; and ſays the Court, it is Criminal for one to be Sollicitor or Counſel in Caſes of High Treaſon, unleſs aſſign'd by the Court: and whether it be ſo or not is worth Inquiry.

If it be criminal to adviſe the Priſoner.

Firſt, No Law-Book as to this Matter makes any difference between Treaſon, and other Crimes; and adviſing and ſolliciting is ſpoken of in general terms, which being reduc'd to Particulars, will ſhew the Abſurdity of it.

Suppoſe

Suppoſe I obſerving the Indictment on which the Priſoner was arraign'd, was erroneous, and ſhould therefore adviſe him to move and quaſh it for that Error: for, ſay I, if you ſhould be try'd on this Indictment, and found guilty, unleſs you move in Arreſt of Judgment, you will be attainted, and then you can take no Advantage of that Error; and if yoube acquitted you may be indicted again, and try'd again, becauſe the firſt Indictment was erroneous.

Error in the Indictment juſtifies the Equity of having Counſel.

If this be Law as none can deny it, is it not lawful to adviſe him? and is it not fit for the Court to quaſh the Indictmentif faulty, notwithſtanding all the Cant of Dilatories, Subterfuges, and defending himſelf by plain Matter of Fact? Or ſuppoſe I adviſe in Fact that I hear that ſuch a Witneſs is to come againſt him, I know he is hired to do the Job, and I will prove it on him if call'd. Or ſuppoſe I tell him, I know ſuch a Witneſs is convict of Perjury, and if he will call me, I will produce the Records of his Conviction; can any Lawyer ſay theſe things are Criminal? but if I ſhould adviſe a Priſoner to eſcape out of Priſon, ſhewing him the Way of doing it, it is Criminal.

The neceſſity of Advice proved.

In all Caſes comforting a Traitor is Treaſon, but it is meant where you do it to keep him from Juſtice; for elſe feeding a Traitor in Priſon is Treaſon, which none will affirm. So that reducing general Words to particular Facts, clears the Sophiſtry of them; nor is it Criminal to be a Sollicitor in Treaſon, for where there is no poſitive Law, as in this caſe there is not, natural Reaſon muſt take place; and better Reaſon cannot be given than what the Priſoner in this Caſe gave: If a Man be coop'd up and not ſuffer'd to go about his Buſineſs himſelf, and no Friend muſt be employ'd to do it for him, how is it poſſible for him to make his Defence? I know it is ſaid his Innocency muſt defend him, but the Folly of that ſaying ſhall be ſhewn in another place. But ſay they, The Court ſhall aſſign him a Counſel and Sollicitor; but when, and for what? only for a Point of Law. May not a Priſoner want a Sollicitor for a Matter of Fact? Suppoſe he had occaſion for a Witneſs which he could not readily find, or occaſion for a Copy of Record, for want of which Mr. *Corniſh* ſuffer'd; was it not reaſonable for him to have a Sollicitor? And when ſhall the Court aſſign him a Sollicitor? only when the Priſoner comes upon his Trial, and then it is too late to have any uſe of him; as *Colledge* was arraign'd at twelve, and try'd at two a Clock the ſame day, and as was Mr. *Corniſh*'s Caſe. But, ſay the King's Counſel, they had known one indicted for High Treaſon for being a Sollicitor in ſuch a Caſe; tho I do not believe it, yet that Authority goes no farther to prove the Matter, than an Indictment I knew againſt a Perſon once, for ſtealing an Acre of Land; and againſt another for wickedly and deviliſhly breaking an Award, whereby two unjuſt Arbitrators directed the Priſoner to convey his Land to a certain Lord, without any Satisfaction or Recompence, prov'd thoſe Matters to be Felonies.

In what caſes comforting a Traitor is Treaſon.

When a Priſoner is to be allow'd a Sollicitor.

Colledge *arraign'd at* 12, *and try'd at* 2 *a Clock the ſame day.*

But tho a Priſoner may be advis'd, yet that Advice muſt not be reduc'd to writing. Then ſuppoſe one Man's Memory be good, and can bear all the Advice given him, and another Man's Memory bad, and cannot do it: Is not the laſt hang'd for having a bad Memory, rather than for his Crime? But tho it may be reduc'd to writing, yet it muſt be his own Hand-writing, and not another's; how ridiculous is the Diſtinction? Suppoſe the Priſoner cannot write, then is he hang'd for his Parents Fault or Misfortune, for not educating him, or for not being able to educate him better.

The Priſoner is not to be adviſed in writing.

Which is ſomewhat of kin to the late practice in the *Weſt*, where many Men were hang'd for having old Jewiſh Names, as *Obadiah*, or the like, with a Jeſt, that their Godfathers hang'd them. But ſuppoſe it is not lawful in general to be a Counſel or Sollicitor, with, or to a Priſoner committed for High Treaſon; yet the Proſecution being the King's, he may give a Privilege which the Law of Courts doth not allow, and in this Caſe it was ſo done; for, to the Confuſion of thoſe who did this Injury, and of thoſe Judges who would not do the Priſoner Right, they have printed the Orders of the King and Council, which appointed Mr. *Weſt* and *Aaron Smith* to be his Counſel and Sollicitor.

Men hanged in the Weſt for havin g old Jewiſh Names.

Weſt *and* Smith *his Counſel & Sollicitor.*

If it was lawful for the Priſoner to have Counſel, and to have Advice in Writing; it was very unlawful, and as high a Miſdemeanour in the King's Counſel to order his Papers to be taken away, as they were capable of being guilty of, both the Priſoner and the Matters of his Defence being under the Protection of the Court.

Taking away his Papers unjuſtifiable.

It is not an antient practice the ſeizing of Papers, tho of late us'd; it began, I believe, upon my Lord *Coke*, whoſe Papers were ſeiz'd and carry'd to the Secretaries Office, upon the like pretences as of late, and when return'd, were gelt of many

Not of antient Uſe, but firſt practis'd on my Ld. Ch. Juſtice Coke.

many Bonds and other Securities, to a great many thouſand pounds value, which never came to light. It was afterwards practis'd upon ſome Members of Parliament, and, as I remember, voted Illegal, as undoubtedly it is: for tho ſometimes you may meet with Papers which may be evidence againſt the Priſoner; yet it is poſſible that other Papers than the Priſoner's may be mix'd with his to make good an Accuſation; nay, which is worſe, ſome of the Papers may be withdrawn, which may be the only Matter of his Defence, and that hath been often practis'd. And I cannot but remember a Story about this Matter: When Sir *William Jones* died, it was ſaid, that one from *Whitehall* offer'd Sir *William Jones* his Servant a great Sum of Mony but to let him ſearch his Maſter's Study, to find a Paper which would diſcover great Matters. A certain Perſon diſcourſing with a Privy-Counſellor about it, the Privy-Counſellor ſaid, It was not true; for, ſays he, if we had a mind to have done it, could we not ſend a Meſſenger on pretence of ſearching for treaſonable Papers, and bring all the Study to *Whitehall*, and keep what we would of them?

A Report of Mony offer'd to have the ſearching of Sir Wil. Jones *his Study when he died.*

But tho that hath been often practis'd, yet this was the firſt time that ever a Priſoner had the Inſtructions for his Defence taken away from him; and the manner was worſe than the thing, it being done juſt as he was coming to his Trial, relying upon his Writing, not his Memory for his Defence; beſides the Agony ſo great an Injury put him in, when he had ſo great a Concern upon him, as the Trial for his Life, and he could not but know by all that Preparation, that it was more than ten to one againſt him: all which is well ſeen in his Trial, where he ſo pathetically and ſenſibly preſs'd the Court for Juſtice in this Matter, which they excus'd with ſuch mean Anſwers, that all Mankind muſt ſee they were ſatisfy'd of the Injuſtice, and were reſolv'd not to do him Right: They knew not which way he came by the Papers, they knew not but he may be criminal who brought them him; they knew nothing of his Papers, they knew not what Papers he meant; that his Lordſhip did not take them away, and ſuch like ſtuff: as if it was not the Duty of the Court to relieve the Priſoner againſt the Oppreſſion of any Perſons but themſelves; elſe why did they not ask *Murrel* and *Sawel* who ſtood by, and were charged with taking them, for the Papers, and have ſatisfy'd themſelves of them? but in truth they knew before what they were. And *Colledge* was a true Prophet, when finding his Life ſo beſet, he ſaid, This was a horrid Conſpiracy to take his Life: but it would not ſtop there, for it was againſt all the Proteſtants in *England*. And the Rule the Court made at laſt was as unjuſt, That he ſhould have the uſe of ſome of his Papers after he had pleaded not Guilty, but not before; for ſuppoſe there was Matter in them which could not be made uſe of after ſuch Plea, as a Plea to the Juriſdiction of the Court, a Pardon, otherwiſe acquitted, and the like, could not be pleaded, or advantage taken of them after not Guilty pleaded; altho there was not ſuch, yet there might have been ſuch Pleas for ought the Court knew. How unjuſt then was it for him to plead not Guilty before he ſhould have the uſe of his Papers? but there was Matter in them for quaſhing the Indictment; and he hinted ſo much to the Court, as that the Indictment contain'd Crimes of different nature, as Treaſon and Miſdemeanour, and I think it was good Cauſe to quaſh the Indictment.

The firſt Inſtance of a Priſoner's having his Papers for his Defence taken from him.

The great injuſtice of it.

A horrid Conſpiracy to take away his Life.

Papers uſeleſs to him after pleading to the Indictment.

In all Civil Matters, two Matters of different natures cannot be put into one Action, as Debt and Treſpaſs; two Capital Crimes of different natures cannot be join'd in one Indictment, as Murder and Robbery: and for the ſame, and another Reaſon, Treaſon and Miſdemeanor cannot be join'd in one Indictment; for the Jury may obſerve that one part of the Indictment, which in it ſelf is but Miſdemeanor, as that he ſaid, The King minded nothing but beaſtlineſs, *&c.* tho charg'd in the Indictment as Treaſon, was prov'd, and not the material Parts of the Indictment, as deſigning to ſeize the King's Perſon, *&c.* and finding ſome part of the Indictment prov'd, might find him guilty generally, which extends to every Article of the Indictment, and ſo the Jury deceiv'd, and the Priſoner in danger; or ſuppoſe he was acquitted of ſuch an Indictment, if it ought to have been quaſh'd, whether the Priſoner ſhew the Error or not, he may be try'd again upon another good Indictment for the ſame Treaſon. If therefore what he offer'd was an Error, or but like an Error in the Indiſtment, by the Law which favours Life, and the jeopardy of Life, the Court ought not to have try'd him on that Indictment, but have directed another Indictment to have been found. It is a vain Objection to have ſaid, that that would have been troubleſom. Is the Miſchief of that comparable to that of putting a Man twice in jeopardy of his Life for the ſame thing? but it would have been a de-

Treaſon and Miſdemeanour ought not to be join'd in one Indictment, and the reaſon.

lay.

lay. I ſay none; for there was a Grand Jury in Court, and within the two hours time the Court adjourn'd (to give the King's Counſel opportunity of viewing the Priſoner's Papers which were taken from him, and to conſider of the Method of his Proſecution by them, which they did, and alter'd it from what they at firſt deſign'd it) the King's Counſel might have had a new Bill found; but peradventure they could not prevail with that Grand Jury to have found a new Bill; they remembred they had ill luck with the firſt Bill at *London*, which I believe was the true reaſon: but I'll do the Court no injury, in ſuppoſing that to be the cauſe of the Adjournment which was not; 'tis true, in the printed Trial 'tis pretended they adjourn'd in order to dine; yet thoſe that knew the Adjournment was by the direction of the King's Counſel, and overheard their whiſpering with the Chief Juſtice (which is both an indecent and an unjuſt thing, and is neither better nor worſe than a Plaintiff or Defendent's whiſpering a Judg while his Caſe is before him trying) and I know that the Judges had breakfaſted but a little before, and had no great ſtomach to their Dinners, and therefore believe, that that before aſſign'd, and not what was pretended, was the true Cauſe. They might better have put off their Dinner to their Supper, than their Supper to their Breakfaſt, as they did, the Trial laſting till early next Morning.

The King's Counſel have time given them to peruſe his Papers.

Their Pretences for adjourning the Court frivolous.

But becauſe all Irregularities of Court and Counſel, in all theſe Matters, are ſhifted off and excus'd by two Sayings not underſtood generally; the firſt whereof is, That the Court is to act for the King, and the Counſel are for the King, and no Perſon muſt come near the Priſoner to the prejudice of the King, as in *Fitzharris* his Caſe was often ſaid; a Witneſs was permitted to go on in an impertinent ſtory, on a Tranſaction between him and my Lord *Shaftesbury*, in my Lord *Ruſſel*'s Trial, of which the Priſoner complain'd that it was deſign'd to incenſe the Jury; and tho the Chief Juſtice declar'd it was not Evidence, yet a great while afterward he went on in a like manner; nay, the Counſel in ſumming up the Evidence, repeated the ſame Matter, which was permitted becauſe it was *for the King*; and yet when the Earl of *Angleſey* began to ſay what the Lady *Chaworth* told him, he was ſnub'd, and cut ſhort; and Mr. *Edward Howard* was ſerv'd the ſame ſauce, becauſe it was *againſt the King*: It is fit therefore to know what is meant in Law by thoſe words. No body doubts what the Courts or King's Counſel of late days meant; but in Law they are not ſo meant, for tho many things are ſaid to be the King's as the Protector of his People, and more concern'd in their Welfare than any private Perſons, yet they are ſo in Preſervation, and not in Property or Intereſt. The Highways are the King's, in preſervation for the paſſage of his Subjects; and whoever obſtructs them wrongs the King, as he is hurt when his Subjects are hurt: but in Property the Soil generally belongs to private Perſons. The King is hurt when his Subjects are oppreſt by Force, becauſe he has engag'd to defend them; and therefore the Offender is puniſh'd by the King, to deter the Offenders and others from committing the ſame Offences, which is for the benefit of the Publick. But as a Man may be oppreſt by open Force, ſo he may be oppreſt by private Inſinuations and falſe Accuſations, and the King has engag'd to defend his Subjects from ſuch; not that it is poſſible to prevent them but by Conſequence, that is, by puniſhing ſuch as ſhall be found guilty of thoſe Crimes, which heretofore were puniſh'd with the higheſt arbitrary Puniſhments we read of: The Conſequence is, That it is for the King to puniſh Offenders, to acquit the falſe accus'd, and to puniſh the falſe Accuſers; that is to ſay, In all Caſes to do right according to Law and Truth.

The Pretence of denying the Priſoner any Perſon to come near him, conſider'd.

How the King is the Protector of his People.

How the Highways are his.

Surely Queen *Elizabeth* gave the beſt Explanation of the words, when the Lord *Burleigh*, ſeeing Sir *Edward Coke*, the then Attorney General, coming towards her, he ſaid, *Madam*, here is your Attorney General, *Qui pro domina Regina ſequitur.* Nay *(ſays ſhe)* I'll have the words alter'd, for it ſhould be, *Qui pro Domina Veritate ſequitur.*

Q. Elizab. *Character of an Attorney General.*

For the King and *for Truth*, then are ſynonymous words; *for* the King *againſt* the Truth is a contradiction. And the Judges and King's Counſel having taken an Oath to adviſe the King according to the beſt of their cunning, which is according to Law and Truth; if therefore the King's Counſel uſe Means, and the Court permit them ſo to do, to ſuppreſs Truth, or to diſable the Priſoner from making his Innocence appear, as in *Colledge* his Caſe was done; if they urge things as Evidence of the Crime whereof the Priſoner is accus'd, which by Law are not Evidence, as in this Caſe, in the Lord *Ruſſel*'s Caſe, Col. *Sidney*'s Caſe, Mr. *Hamden*'s and Mr. *Corniſh*'s Caſe, and in many more they did, an as in ſome of them ſhall be hereafter ſhewn. If they inſinuate any Fact as Evidence, which is not prov'd, as in my Lord *Ruſſel*'s

To be for the King & for Truth the ſame thing.

The King's Counſel ought not to ſuppreſs Truth.

Trial, that my Lord of *Eſſex* kill'd himſelf; if they wreſt as Evidence of the Fact, what in Senſe is not ſo, as in Colonel *Sidney*'s Caſe, the writing his Book (nay, for any thing appear'd, it was writ before King *Charles* the Second came to the Crown) they are Counſel againſt the King, being againſt Truth as well as againſt the Priſoner.

I think no Man will deny the truth of this Propoſition, That it is as much the King's Intereſt to have an Innocent accus'd of Treaſon, acquitted, as it is to have a Nocent accus'd of Treaſon, convicted. If that be true, then let any one ſhew me a reaſon if he can; for there is no Law againſt it, why he may not have the ſame Liberty of clearing his Innocence, as the Proſecutor hath of convicting him; I mean by free and private acceſs of all Perſons to the Priſoner, as is us'd in all other capital Matters. If it be ſaid he may get ſome to corrupt the Witneſſes againſt him, or ſuborn others for him, the ſame may be ſaid in all other Matters; but in Treaſon that is not a likely matter, for generally the Priſoner never knows what he is accus'd of, and conſequently cannot know his Accuſer, nor how to provide a Counter-Evidence, till he comes to be arraign'd, and then it is too late: for generally he is preſently tried after his Arraignment, as was the Caſe of *Colledge*, and my Lord *Ruſſel*, and Mr. *Corniſh*; and Perſons committed for Treaſon are ſo much the leſs able to corrupt or ſuborn Witneſſes than any other Criminals, that they generally, according to the late practice, have no Accuſer brought face to face to them on their commitment as all other Criminals have, who always are committed upon an Accuſation made upon Oath in their hearing, and their Defence heard before their *Mittimus* made; and whatever the Pretence may be, yet, in Experience, it is found that more Perjuries are committed in Proſecutions for Treaſon by the Accuſers, than by the Witneſſes for the Priſoner.

The Priſoner ought to have the liberty to prove his Innocency, as the Proſecutors have to convict him.

One reaſon is, A Witneſs in Treaſon is more difficultly convicted than in any other Crime: for Treaſon is an *Ignis fatuus*, 'tis here and there, as *Colledge* was firſt in *London*, then in *Oxford*; it is not confin'd to place or time, as all other Crimes are; in all other Crimes, as Murder, Robbery, or the like, it muſt be prov'd to be within the County where laid; it muſt be of the Perſon named in the Indictment, which are Evidences of Fact, which in ſome ſort prove themſelves. And there was but one that I remember (for *Oates* I do not count one) was ever juſtly convicted of Perjury in Treaſon, and that too was for want of cunning, for he fooliſhly ſwore to Time as well as Place, which a Witneſs in Mr. *Hamden*'s Trial would never be brought to do: Beſides, Malice and Revenge, which in Proſecutors and Accuſers in Treaſon are generally the Motives, go farther than Mony or Kindneſs, which if us'd in any Caſe, are the Motives of falſe Witneſſes for the Priſoner.

It is hard to convict a Witneſs in Treaſon.

An Inſtance of one convict of Perjury in Treaſon.

Now as *for the King* and *for the Truth* are the ſame, ſo *for the King* and *for the Law* are the ſame. The Laws are the King's, as he is to ſee the Execution and Preſervation of them; ſo *for* the King *againſt* the Law is a contradiction.

Therefore to try a Priſoner upon a vicious Indictment, as was done in *Colledge*'s and Colonel *Sidney*'s Caſes, is againſt the King as it is againſt Law, for by that means he is in danger to be hang'd if convicted; or try'd twice, if acquitted, which is againſt Law.

Colledge *try'd on a vicious Indictment.*

It is no Salve of the Matter what the Judges ſaid in *Colledge*'s Caſe, that the Evidence of Miſdemeanour is no Evidence of Treaſon; for the ſame may be ſaid in an Indictment of Murder and Robbery: nor that the Judges would take care to inform the Jury which was Evidence of Treaſon, which of Miſdemeanour, which they promis'd to do, but were not as good as their words, as ſhall be ſhewn; for the Court may forget ſo to do, and the Jury may forget what the Court ſaid to them of that Matter.

Evidence of Treaſon, & of Miſdemeanor, not diſtinguiſhed by the Judges.

But notwithſtanding all this, if the Priſoner was innocent, there could be no harm done to him, for his Innocence would defend him: This was a Saying, and as mortal it was to *Fitzharris*, to *Colledge*, to Colonel *Sidney*, to Mr. *Corniſh*, and ſeveral others, as was the Letter ⊙ amongſt the *Greeks*. It is true, my Lord *Coke* us'd the Expreſſion, but in another ſenſe than that of late practis'd. I would fain know what they mean by the Expreſſion; Is it, that no Man will or ever did ſwear falſely againſt a Priſoner in Treaſon? If that be true, how came the ſame Perſons to be ſo violent againſt *Oates* for what he ſwore againſt *Ireland?* Or do they mean, that, let an Accuſer ſwear never ſo violently and circumſtantially againſt a Priſoner, yet if he be innocent it will do him no harm? If that be true, I would fain know how the Priſoner ſhall eſcape; is it that his Innocence ſhall appear in his Forehead, or ſhall an Angel come from Heaven and diſprove the Accuſer? Neither of which

Innocency not ſufficient to defend one always.

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we have obſerv'd, tho all have ſaid, and I believe, that ſome Perſons have been very innocently executed. Or ſhall the Accuſer be detected by the bare Queſtions of the Priſoner? that I think will not be neither; and therefore to inſtance in the only Perſon who hath of late eſcap'd in a Trial of Treaſon, where there was a Deſign againſt his Life, which was my Lord *Delamere*, if he had not had Witneſſes to have prov'd the Perſons mention'd to have been with him at the place and time ſworn againſt him to be in other places, it was not his denial had ſerv'd his turn, but he would have run the ſame Fate with my Lord *Brandon*. Nay, I am apt to think had he been tried by a Jury of Commoners pack'd, as at that time they uſually were, he had not eſcap'd.

The Lord Delamere *the only Perſon that came off in a Trial of Treaſon of late, and how.*

The truth is, when I conſider the practice of late times, and the manner of uſage of the Priſoners, it is ſo very much like or rather worſe than the practice of the Inquiſition, as I have read it, that I ſometimes think it was in order to introduce Popery, and make the Inquiſition, which is the moſt terrible thing in that Religion, and which all Nations dread, ſeem eaſy in reſpect of it. I will therefore recount ſome undeniable Circumſtances of the late Practice: A Man is by a Meſſenger, without any Indictment precedent, which by the Common Law ought to precede, or any Accuſer or Accuſation that he knows of, clapt up in cloſe Priſon, and neither Friend or Relation muſt come to him; he muſt have neither Pen, Ink, or Paper, or know of what, or by whom he is accus'd; he muſt divine all, and provide himſelf of a Counter-evidence, without knowing what the Evidence is againſt him. If any Perſon adviſe or ſollicite for him, unleſs aſſign'd by the Court by which he is try'd, they are puniſhable: He is try'd as ſoon as he comes into the Court, and therefore of a Sollicitor there is no occaſion or uſe; if the Priſoner deſires Counſel upon a point of Law, as was done in my Lord *Ruſſel*'s Trial, the Counſel nam'd muſt be ready to argue preſently, and the Court deliver their Judgment preſently, without any conſideration. The Priſoner indeed hath liberty to except to thirty five of the Jury peremptorily, and as many more as he hath cauſe to except to, but he muſt not know beforehand who the Jury are; but the King's Counſel muſt have a Copy of them: He muſt hear all the Witneſſes produc'd to prove him guilty together, without anſwering each as he comes, for that is breaking in upon the King's Evidence, as it is call'd; tho it hold many hours, as it happen'd in moſt of the Trials: he muſt not have any Perſon to mind him what hath been ſworn againſt him, and forgotten by him to anſwer; for if that were allow'd, the Priſoner perhaps may eſcape hanging, and that is againſt the King: There is a Proclamation to call in all Perſons to ſwear againſt him, none is permitted to ſwear for him; all the impertinent Evidence that can be given is permitted againſt him, none for him; as many Counſel as can be hir'd are allow'd to be againſt him, none for him. Let any Perſon conſider truly theſe Circumſtances, and it is a wonder how any Perſon eſcapes; it is downright tying a man's hands behind him, and baiting him to death, as in truth was practis'd in all theſe Caſes. The Trial of *Ordeal*, of walking between hot Iron Bars blindfold, which was aboliſh'd for the unreaſonableneſs of it, tho it had its Saying for it too, That God would lead the Blind ſo as not to be burnt if he were innocent, was a much more advantageous Trial for the Suſpected than what of late was practis'd, where it was ten to one that the Accus'd did not eſcape. If any of theſe things have been legally practis'd, I have nothing to ſay againſt it, but I have never read any thing of Common or Statute-Law for it. And I can with better aſſurance ſay than any Perſon who hath practis'd theſe things, that no Law in *England* warrants them; and if not, then conſider the unreaſonableneſs of theſe Methods.

The Practice of the late times and that of the Inquiſition compar'd.

The unreaſonableneſs of the late Trials in all their Proceedings inſtanc'd.

Why Ordeal *aboliſh'd?*

There is yet one Objection to be anſwer'd, which being a very great Hardſhip upon the Priſoner, gives ſome colour of impoſing other Hardſhips upon him, to wit, That a Witneſs cannot be examin'd for the Priſoner on his Oath in a Trial upon an Indictment of a capital Matter. It is not becauſe the Matter is Capital, for then no Witneſs ought to be examin'd upon Oath for the Appellee in a capital Matter: Neither is it becauſe it is againſt the King, for then no Witneſs ought to be examin'd on Oath for the Defendant in a Trial upon an Indictment of any criminal Matter; yet in Indictments of all criminal Matters, not capital, 'tis permitted to the Priſoner.

If a Witneſs can be examin'd upon Oath for the Priſoner in a capital Matter conſider'd.

To ſay truth, never any reaſon was yet given for it, or I think can be, if you believe my Lord *Coke*, 3*d Inſtit. fol.* 79. of which Opinion my Lord *Hales* is, in his Pleas of the Crown, that that Practice is not warranted by any *Act of Parliament*, Book Caſe, or antient Record, and that there is not ſo much as *ſcintilla Juris* for it;

it; for he ſays, when the Fault is deny'd, Truth cannot appear without Witneſſes. As for what is pretended, that it is ſwearing againſt the King, and therefore it is not allow'd of; 'tis a canting Reaſon, which put into ſenſible Engliſh, a Man will be aſham'd to own. And as ſlight is the Reaſon, that it being a matter of ſo high moment as a Man's Life, the Priſoner will be the more violent and eager, and the Witneſſes may be more prevail'd upon to ſwear falſly, more than they would be in a matter of leſs moment: The weakneſs of that Reaſon hath been in part, and ſhall be further ſhewn. I think none will deny, but the end of all Trials in any matters Capital, Criminal, or Civil, is the diſcovery of Truth: Next, 'tis as neceſſary for the Priſoner to have Witneſſes to prove his Innocence, as it is for the King to have Witneſſes to convict him of the Crime; which Propoſition is agreed by the Practice, it being always permitted, that the Priſoner ſhall produce what Witneſſes he can, but they are not to be upon Oath. In the laſt place, ſince Truth cannot appear but by the Confeſſion of the Party, or Teſtimony of Witneſſes of both ſides, it is neceſſary to put all the engagement as well on the Witneſſes of part of the Priſoner, as of part of the King, to ſay the Truth, the whole Truth, and nothing but the Truth, as the nature of the Matter will bear: and as yet no better means hath been found out than an Oath; which if deny'd to the *Priſoner's Witneſſes*, either he is allow'd too great an advantage to acquit himſelf, or he is not allow'd enough.

The Practice not warranted by Law, and Objections anſwer'd.

The diſcovery of Truth the end of all Trials.

If all that his Witneſſes ſay without Oath, ſhall have equal credit as if they ſwore it, then he hath too much advantage; for Men may be found who will ſay falſly what they will not ſwear, as is plain enough. How often doth a Defendant ſay in a *Plea* at Law, that a Deed is not his, which yet in an Anſwer in *Chancery* he will confeſs to be his? If his Witneſſes ſhall not have Credit becauſe not ſworn, to what purpoſe then is it permitted him to produce them? If they ſhall have ſome Credit, but not ſo much as if ſworn, I ask how much Credit ſhall be given? Is it two, three or ten Witneſſes without Oath ſhall be equivalent to one upon Oath? And beſides, that Queſtion never was or can be anſwer'd, what Credit ſhall be given them? There is an unreaſonable Diſadvantage put on the Priſoner, that a Witneſs produc'd on his part, of equal Credit with the Witneſs againſt him, ſhall not have equal Credit given him, becauſe he is not on his Oath; whereas he is ready to deliver the ſame things on his Oath, if the Court would adminiſter it to him: and yet that difference was taken in *Fitzharris*'s Caſe, as to the Credibility of *Everard* and *Oates*, the firſt being upon his Oath, the laſt not.

I do not offer this as any Reflection upon the late Proceedings, but as a reaſon why matters in capital Proceedings ought not to have been carried further than heretofore they were, againſt the Priſoner, by example of ſo unreaſonable a Practice.

Witneſſes for the K. give Evidence in the hearing of each other.

But to return to the Trial of *Colledge*, which came on in the Afternoon, when the Attorny inſiſted that the King's Witneſſes ought not to be examin'd out of the hearing of each other; in which he was over-ruled, but the Rule not obſerv'd, nor was it material: for the King's Counſel having the Priſoner's Writings, and by them obſerv'd how he intended to make the Witneſſes againſt him contradict themſelves, they did not produce ſuch Witneſſes, as were not inſtructed to concur in the Evidence of the ſame matter, but produc'd only ſuch as were inſtructed to give Evidence of diſtinct matters. And therefore *Dugdale* was firſt produc'd, who gave Evidence of vilifying words ſpoke of the King at ſeveral times at *Oxford* and *London*, by the Priſoner to himſelf alone; that he ſhew'd the Witneſs ſeveral ſcandalous Libels and Pictures, and ſaid he was the Author of them; that he had a ſilk Armour, a brace of Horſe Piſtols, and a Pocket Piſtol and Sword; that he ſaid, he had ſeveral ſtout men to ſtand by him, and that he would make uſe of them for the defence of the Proteſtant Religion; he ſaid the King's Party was but an handful to his Party. *Stevens* ſwore the finding of the Original of the *Raree Show* in the Priſoner's Chambers. *John Smith* ſwore his ſpeaking ſcandalous Words of the King, and of his having Armour, and that when he ſhew'd it the Witneſs, he ſaid, *Theſe are things that will deſtroy the pitiful Guards of* Rowley; that he ſaid, he expected the King would ſeize ſome of the Members of Parliament at *Oxford*; which if done, he would be one ſhould ſeize the King; that he ſaid, *Fitzgerald* at *Oxon* had made his Noſe bleed, but before long he hop'd to ſee a great deal more Blood ſhed for the Cauſe; that if any, nay if *Rowley* himſelf, came to diſarm the City, he would be the Death of him. *Haynes* ſwore he ſaid, Unleſs the King would let the *Parliament* ſit at *Oxon*, they would ſeize him, and bring him to the Block; and that

Dugdale's *Evidence.*

Stevens's *Evidence.*

J. Smith's *Evidence.*

Haynes's *Evidence.*

that he ſaid, the City had one thouſand five hundred Barrels of Powder, and one hundred thouſand men ready at an hours warning. *Turberville* ſwore he ſaid at *Oxford*, that he wiſh'd the King would begin; if he did not, they would begin with him, and ſeize him; and ſaid, he came to *Oxford* for that purpoſe. Turbervil's *Evidence.*

Mr. *Maſters* ſwore, That in diſcourſe between him and the Priſoner, he juſtified the *Proceedings* of the *Parliament* in 1640. at which the Witneſs wondred, and ſaid, how could he juſtify that *Parliament* that rais'd the Rebellion, and cut off the King's Head? To which the Priſoner reply'd, That that *Parliament* had done nothing but what they had juſt Cauſe for, and that the *Parliament* which ſat laſt at *Weſtminſter* was of the ſame Opinion; that he call'd the Priſoner Colonel in mockery, who reply'd, Mock not, I may be one in a little time. Maſters's *Evidence.*

Sir *William Jennings* ſwore as to the Fighting with *Fitz-Gerald*, and the words about his bleeding.

For the Priſoner.

Hickman ſaid he heard *Haynes* ſwear *God damn him*, he car'd not what he ſwore, nor whom he ſwore againſt, for it was his Trade to get Mony by ſwearing. Mrs. *Oliver* ſaid, *Haynes* writ a Letter in her Father's Name, unknown to her Father. Mrs. *Hall* ſaid, ſhe heard *Haynes* own that he was employ'd to put a *Plot* on the Diſſenting Proteſtants. Mrs. *Richards* ſaid, ſhe heard him ſay the ſame thing. *Whaley* ſaid, *Haynes* ſtole a Silver Tankard from him. *Lun* ſaid, *Haynes* ſaid the *Parliament* were a Company of Rogues for not giving the King Mony, but he would help the King to Mony enough out of the *Phanaticks* Eſtates. *Oates* ſaid, *Turberville* ſaid a little before the Witneſſes were ſworn at the *Old-Baily*, that he was not a Witneſs againſt the *Priſoner*, nor could give any Evidence againſt him: And after he came from *Oxford*, he ſaid he had been ſworn before the Grand Jury againſt the *Priſoner*, and ſaid the Proteſtant Citizens had deſerted him, and *God damn him* he would not ſtarve: That *John Smith* ſaid, *God damn him* he would have *Colledge*'s Blood: That he heard *Dugdale* ſay, that he knew nothing againſt any *Proteſtant* in *England*; and being taxt that he had gone againſt his Conſcience in his Evidence, he ſaid it was long of Colonel *Warcup*, for he could get no Mony elſe; that he had given out that he had been poiſon'd, whereas in truth it was a Clap. *Blake* ſaid, that *Smith* told him *Haynes* his Diſcovery was a ſham Plot, a Meal-tub Plot. Hickman's *Evidence and others for the Priſoner.*

Bolron ſaid, *Smith* would have had him give Evidence againſt Sir *John Brooks*, that Sir *John* ſhould ſay there would be cutting of Throats at *Oxford*, and that the Parliament-men went provided with four, five, ſix, or ten Men apiece; and that there was a Conſult at *Grantham*, wherein it was reſolv'd, that it was better to ſeize the King than to let him go, whereas he knew of no ſuch thing; that he would have *Bolron* to be a Witneſs againſt *Colledge*, and told him what he ſhould ſay, leſt they ſhould diſagree in their Evidence; that he heard *Haynes* ſay he knew nothing of a Popiſh or Presbyterian Plot, but if he were to be an Evidence, he car'd not what he ſwore, but would ſwear any thing to get Mony. *Mowbray* ſaid, *Smith* tempted him to be a Witneſs againſt *Colledge*, and was inquiſitive to know what diſcourſe paſſed betwixt him and my Lord *Fairfax*, Sir *John Hewly*, and Mr. *Stern* on the Road; and ſaid, that if the Parliament would not give the King Mony, and ſtood on the Bill of Excluſion, that was Pretence enough to ſwear a Deſign to ſeize the King at *Oxford*.

Everard ſaid, *Smith* told him he knew of no *Presbyterian* or *Proteſtant Plot*, and ſaid, Juſtice *Warcup* would have perſuaded him to ſwear againſt ſome Lords a *Presbyterian Plot*, but he knew of none; he ſaid, *Haynes* told him it was Neceſſity and hard Pay drove him to ſpeak any thing againſt the *Proteſtants*; and being queſtion'd, how his Teſtimony agreed with what he formerly ſaid? anſwer'd, he would not ſay much to excuſe himſelf, his Wife was reduc'd to that neceſſity, that ſhe begg'd at *Rouſe*'s Door, and mere neceſſity drove him to it, and ſelf-preſervation, for he was brought in Guilty when he was taken up, and was oblig'd to do ſomething to ſave his Life, and that it was a Judgment upon the King or People; the *Iriſhmens* ſwearing againſt them was juſtly fall'n on them, for outing the *Iriſh* of their Eſtates. Everard's *Evidence againſt* Smith *and* Haynes.

Parkhurſt and *Symons* ſaid, they had ſeen at *Colledge* his Houſe his Arms, about the latter end of *November*. *Yates* ſaid, *Dugdale* beſpoke a Piſtol of him for *Colledge*, which he promis'd to give *Colledge*. And upon Diſcourſe ſometimes after the *Oxford* Parliament, *Yates* ſaid *Colledge* was a very honeſt Man, and ſtood up for the good *Other Evidences for the Priſoner.*

of

of the King and Government. *Yes*, ſaid *Dugdale*, *I believe he does, and I know nothing to the contrary.* *Deacon* and *Whitaker* ſaid they knew *Colledge* was bred a Proteſtant, and went to Church, and never to a Conventicle that they knew of, and thought him an honeſt Man. *Neal*, *Rimington*, *Janner* and *Norris* to the ſame purpoſe; and *Norris*, that *Smith* (in company where was diſcourſe of the Parliament Mens being agreed to go to *Oxford*) ſaid, he hop'd they would be well provided to go, if they did go. *El. Hunt* ſaid, a Porter in her Maſter's abſence brought the Prints taken in *Colledge*'s houſe eight weeks before; and ſaid, *Dugdale* told her, after her Maſter was in Priſon, he did not believe *Colledge* had any more hand in any Conſpiracy againſt his Majeſty than the Child unborn, and he had as lieve have given an hundred pounds he had never ſpoke what he had, and that he had nothing to ſay againſt her Maſter, which would touch his Life.

Query, whether an upright Jury could bring in ſuch a Verdict.

Having ſummed up all the material part of the Evidence in the order it was given, for or againſt the Priſoner, let us ſee whether upon the whole, an honeſt underſtanding Jury could, with a good Conſcience, have given the Verdict the then Jury did; or whether an upright Court could, with a good Conſcience, have declar'd they were well ſatisfied in the Verdict given, as all the four Judges in that Caſe did, tho the Chief Juſtice *North* only ſpoke the words. And, tho it is too late to advantage the deceaſed, yet it will do right to the Memory of the Man, to whoſe dexterous management on his Trial many now alive owe the continuance of their Lives to this Day: it was not their Innocence protected the Lord *Fairfax*, Sir *John Brooks*, and many others before mention'd, and many not named in the Trial, but *Colledge*'s baffling that Crew of Witneſſes, and ſo plainly detecting their falſhood, that the King's Counſel never durſt play them at any other Perſon but the Earl of *Shaftesbury*, as ſhall be ſhewn; and failing there, they were paid off, and vaniſht, and never did more harm viſibly; what under-hand Practices they might be afterwards guilty of, I know not.

Many owe their Lives to Colledge's *Defence.*

The Improbability of the Evidence againſt him.

Who could believe any one of thoſe four Witneſſes, *Dugdale*, *Haynes*, *Turbervile*, and *Smith*, if it were for no other reaſon than the improbability of the thing; for (as *Colledge* ſaid) was it probable he ſhould truſt things of that nature with Papiſts, who had broke their Faith with their own Party, who could lay greater Obligations of ſecrecy upon them than he was able to do? That he, a Proteſtant, ſhould truſt People who had been employed to cut Proteſtants Throats? And neither of them ever diſcovered any of the things they ſwore, till after the *Oxford* Parliament, tho moſt of them were pretended to be tranſacted and ſpoken before.

Dugdale's *Evidence diſprov'd.*

Col. Warcup *a great manager of the Witneſſes.*

Who could believe *Dugdale* in any part of his Evidence againſt the Priſoner, when *Oates* teſtified againſt him, that he ſaid he knew nothing againſt any Proteſtant in *England?* And being taxt by *Oates*, that he had gone againſt his Conſcience in his Evidence againſt *Colledge* to the Grand Jury at *London*, he ſaid, *it was long of Colonel* Warcup, *for he could get no Mony elſe*; which was a plain Confeſſion he had ſworn wrong, and of the Cauſe for which he did it, and of the Perſon who induced him to do it? That he had given out that he was poiſon'd, whereas his diſeaſe was a Clap; which was an ill thing in him, as it imply'd a Charge of poiſoning him on other Perſons? And when *Elizabeth Hunt* teſtified againſt him, that he ſaid, after *Colledge* was in Priſon, that he did not believe *Colledge* had any more hand in any Conſpiracy againſt the King, than the Child unborn; and that he had as lieve have given an 100 *l.* he had never ſpoken what he had, and that he had nothing to ſay againſt *Colledge* which could touch his Life? And when *Yates* teſtify'd againſt him, that when *Yates* ſaid *Colledge* was an honeſt Man, and ſtood up for the good of the King and Government; *yes*, ſaid *Dugdale*, *I believe he does, and I know nothing to the contrary?*

Haynes *his Evidence improbable.*

Who could believe *Haynes* in any part of his Evidence againſt the Priſoner, when Mrs. *Hall* and Mrs. *Richards* ſaid, he own'd he was employ'd to put a Plot upon the Diſſenting Proteſtants? when *Whaley* teſtified againſt him that he was a Thief, and had ſtole *Whaley*'s Tankard? when *Lun* teſtify'd that *Haynes* ſaid the Parliament were a Company of Rogues, for not giving the King Mony, but he would help the King to Mony enough out of the *Phanaticks* Eſtates? when *Hickman* teſtified againſt him he heard him ſay, *God damn him* he car'd not what he ſwore, nor againſt whom he ſwore, for 'twas his Trade to get Mony by ſwearing? when Mrs. *Oliver* ſaid that he had writ a Letter in her Father's name, without her Father's knowledg? when *Bolron* teſtified againſt him, that he ſaid he knew nothing of a *Popiſh* or a *Presbyterian Plot*, but if he were to be an Evidence, he cared not what

what he ſwore, but would ſwear any thing to get Mony? when *Everard* teſtified againſt him, that he ſaid Neceſſity and hard Pay drove him to ſay any thing againſt the *Proteſtants*; and being taxt that his Evidence againſt *Colledge* agreed not with what he had formerly ſaid, *he ſaid, he could not excuſe it, but his Poverty and ſelf-Preſervation drove him to it?* which was a plain Confeſſion of the falſhood of his Evidence, and of the reaſon of it; and added, it was a Judgment upon the King or People, the *Iriſh* Mens ſwearing againſt them, for outing the *Iriſh* of their Eſtates: which can have no other ſenſe, than the *Iriſhmens* forſwearing themſelves againſt the *Engliſh* was a Judgment, *&c.*

How could *Turbervile* be believed in any part of his Evidence againſt *Colledge*, when *Oates* teſtified againſt him, that he ſaid a little before the Witneſſes were ſworn againſt *Colledge* at the *Old-baily*, that he was not a Witneſs againſt him, nor could give any Evidence againſt him: and yet afterwards at *Oxon*, *Turbervile* told him he had ſworn againſt *Colledge* to the Grand Jury, and ſaid the Proteſtant Citizens had deſerted him, and *God damn him he would not ſtarve?* which words I think need no explanation. Turbervile *diſprov'd.*

And laſtly, how could *Smith* be believed in any part of his Evidence againſt the Priſoner, when it was teſtified againſt him by *Blake*, that he ſaid *Haynes* his diſcovery was a Sham-Plot, a Meal-Tub-Plot? The meaning of the words I think are well known. That he would have had *Bolron* ſwear againſt Sir *John Brooks*, the Lord *Shaftesbury*, and *Colledge*, things of which he knew nothing, and told him what he ſhould ſwear, leſt they ſhould diſagree in their Evidence? When it was teſtified againſt him by *Oates*, that he ſaid *God damn him* he would have *Colledge*'s Blood? when it was teſtified againſt him by *Mowbray*, that he tempted *Mowbray* to be a Witneſs againſt *Colledge* and Sir *John Brooks*, and was very inquiſitive to know what diſcourſe he had with the Lord *Fairfax*, Sir *John Hewly*, and Mr. *Stern* on the Road to *Oxon*; and ſaid, if the Parliament did not give the King Mony, but ſtood on the Bill of Excluſion, that was pretence enough to ſwear a deſign to ſecure the King at *Oxon?* when *Everard*, and many others teſtified he ſaid he knew of no *Presbyterian* or *Proteſtant Plot?* Now if *Colledge* his Witneſſes were credited, it was impoſſible the King's Witneſſes could be credited, that was agreed by the Court to be true upon the Trial. The anſwer on the Trial was, that the King's Witneſſes were on their Oaths, the Priſoner's were not; which was a Reaſon but in Words and not in Senſe. Smith *alſo.* *The Priſoner's Witneſſes if credited, the King's Witneſſes are not.*

And ſurely what *Colledge* ſaid on that matter, without any knowledg in the Law, cannot be anſwer'd. *It is not fair dealing*, ſaid he, *with a Man for his Life, becauſe the Witneſſes againſt him upon their Oaths deny the things the Witneſſes for him prove, therefore the Witneſſes againſt him muſt be believed, and the Witneſſes for him diſbelieved, when yet the Witneſſes for him were ready on their Oaths to maintain what they ſaid for him.* Colledge's *Defence remarkable.*

Nor is the Law ſo: for taking the Law to be, that a Witneſs for the Priſoner ſhall not be ſworn, which is only made good by practice; the ſame Law, that is to ſay Practice, is, that a Witneſs without Oath for the Priſoner, is of equal Credit with the Witneſs againſt him upon Oath, and none can ſhew the contrary till of late days. *Witneſſes without Oath of equal credit with thoſe againſt him upon Oath. Prov'd by Inſtances.*

To give one Example of many, where it was neceſſary for the Priſoner to produce a Witneſs to prove his Innocency, and where the Witneſs for him was as much believed as the Witneſs againſt him. There was a Perſon, whoſe name I do not remember, arraign'd (at the ſame time that an Indictment of high Treaſon was endeavor'd to be found againſt the Lord *Shaftesbury*) for robbing another of Mony and of a hired Horſe, of which likewiſe the Perſon was rob'd; the robbing of the Mony and a Horſe was prov'd by himſelf and ſeveral others, but that the Priſoner was the Perſon that committed the Robbery, none poſitively ſwore but the Perſon rob'd, who likewiſe ſwore that the Horſe on which the Priſoner was taken, was the Horſe taken from him; againſt which the Priſoner prov'd, by the Perſon of whom the Horſe was agreed to be hired, that the Horſe the Priſoner was taken upon was not the Horſe he let to hire to the Perſon rob'd: whereupon the Priſoner was acquitted; and yet the Priſoner's Witneſs was not on his Oath, and the Perſon robbed was on his Oath: which, beſides that it proves the matter for which it is brought, ſhews the Folly as well as Injuſtice of the Practice of impriſoning Men without letting them know for what, and without confronting them with the Witneſſes againſt them, upon the Commitment. For how could this Man have known what Witneſſes to produce, unleſs he had known what in particular he was indicted

indicted for? and how could he have ſent to ſuch Witneſſes, unleſs he had had the liberty of ſending to the Perſons who were to be Witneſſes for him? And it ſhews the Folly of thoſe ſayings, that a Man's Innocence muſt defend him, and that the Evidence againſt the Priſoner muſt be as clear as the Sun at noon Day: All will agree that the Priſoner in this Caſe was innocent, and yet that alone, without producing a Witneſs to prove his Innocence, would have ſtood him but in little ſtead; and how could he have known what ſort of Evidence to have ready, unleſs he knew what he was accus'd of?

I do not mean what Crime he was accus'd of, as Treaſon, Murder, Robbery, Theft, or any other Crime; but unleſs he knew the Perſon robbed, when, where, and other Circumſtances: which, ſay ſome, is not to be permitted in Proſecutions of High Treaſon; for if ſo, then no Man ſhall be hanged for High Treaſon, unleſs there was as ſtrong proof againſt him, as is requir'd in an Indictment of any other Capital matter; and that, they ſay, is not to be expected in Treaſon, for no Man will call two Witneſſes to be Evidences of his Words or Actions, being Overt Acts of his Deſign of High Treaſon. The Objection is too fooliſh to be anſwer'd; for it is neither better nor worſe, than that if a Man ſhall not be hang'd for Treaſon without Evidence, he ſhall never be hang'd for Treaſon; for no Evidence, and Evidence which the Law rejects, is the ſame in ſenſe, tho different in words; and as the intent of the mind is difficult to prove on the part of the King, ſo is the Priſoner's part of producing Counter-Evidence much more difficult: and therefore the Law hath taken care by the Statute of *Edward* the 3*d*, that the Intent ſhall be prov'd by an Overt Act; and by the Statute of *Edward* the 6*th*, that that Overt Act ſhall be proved by two Witneſſes. And therefore, ſince the Law hath taken care that there ſhall be a ſtricter proof in High Treaſon than in any other Crime, for the Judges to ſay a leſs proof may be admitted to convict one of High Treaſon than of any other Crime, is very ridiculous; unleſs they will at the ſame time ſay, that the Parliament who made thoſe Statutes, were Men of little Underſtanding, and not to be regarded. And certainly it was a good Counter-Evidence, which was given in behalf of the Priſoner by ſome Witneſſes, tho ſlighted by the Court, and not permitted by the Court to be given by others, that there were great endeavors to ſet up Sham-Plots, and charge the *Proteſtants* with them: For let any one ſhew me a Reaſon, why the Evidence of Sham-plots, tho they do not immediately concern the Priſoner, is not as good Evidence for him, as the Evidence of a Real Plot, in which he was not concerned, is againſt him. The laſt was permitted to be given in Evidence againſt my Lord *Ruſſel*, Colonel *Sidney*, and others; tho the firſt was not permitted to many Witneſſes in this Trial, and it was a material Objection which *Colledge* made, *That there was no proof of any Perſon's being concerned with him in the Deſign of ſeizing the King.*

Objection anſwer'd.

No Evidence and illegal Evidence the ſame.

Leſs proof for Treaſon than for other Crimes is ridiculous to ſay.

Great endeavors to ſet up Sham-Plots.

☞ *The improbability of the Priſoner's ſeizing the King alone.*

It was an unadviſed anſwer the Court gave, that he alone might be ſo vain as to deſign it alone: For if from thence an inference is made, as was inſinuated by the Court to the Jury, that therefore he did alone deſign it, it was an Evidence of his being a Mad-man, not a Traitor. Had the Evidence been of the miſchiefing the King by means which a ſingle Perſon is capable of uſing, as Stabbing, Shooting, and the like, the matter is not impoſſible; but it being by means which it was impoſſible for a ſingle Perſon to execute, it carries ſuch disbelief with it, that it is impoſſible to find a Man in his Senſes at the ſame time guilty of it: And a Man that is *non compos mentis*, if my Lords *Coke* and *Hales* are to be believed, cannot be guilty of High Treaſon within that Branch of the Statute, *Compaſſing, and imagining*, &c.

When Madmen.

It is true, a Mad-man may be guilty of Treaſon, in attempting the King's Perſon; but for that he is no more ſaid to be puniſh'd, than Beaſts of Prey are when killed, which are more properly ſaid to be deſtroyed than puniſh'd for the publick good. But if ſo good a Counter-proof in *Colledge*'s Caſe was not made, as ought to have been, ſome allowances ought to be made for the Priſoner's ignorance of what he was accus'd of, his uſage and ſtrict Impriſonment before his Trial, the ruffling him juſt before his Trial in the manner before declar'd, the depriving him of his Notes, the giving an Evidence of many hours long againſt him, before he was permitted to anſwer any part of it. And the uſe of Pen, Ink, and Paper, was but of little advantage to him; for a Man that hath not been uſed to do it, cannot take notes of any uſe. And in truth, he complained he had not taken Notes of half ſaid, but relied on the Court to do him Juſtice in ſumming up the Evidences, which they promiſed to do, but broke their Words.

The bad uſage of the Priſoner all along.

It muſt likewiſe be conſider'd, that the concern a Man hath upon him, when he is upon Trial for his Life, is ſo far from fortifying that it weakens his Memory: Beſides,

Beſides, the foul Practice, without any remorſe, put upon him and his Witneſſes; ſome of them impriſon'd, that he could not have them at the Trial; others ſo threaten'd, that they durſt not appear for him, and the Cry of the Auditory againſt him and his Witneſſes, were mighty Diſcouragements. All theſe things being conſider'd, how could any underſtanding Jury take it on their Oaths, *That the Evidence againſt the Priſoner, of a Deſign to ſeize the King,* &c. *was as clear as the Sun at noon day?*

Great Diſcouragements.

As for the Evidence which Mr. *Maſters* gave, if it were true, it was no Evidence of Treaſon; an erroneous Opinion may make an Heretick, but not a Traitor: it is a very diſtant Conſequence, that becauſe he affirm'd that the Parliament in 40 had done nothing but what was juſt in reſpect of King *Charles* the firſt, therefore the Priſoner was guilty of a Deſign againſt King *Charles* the ſecond: beſides that in all probability, tho Mr. *Maſters* might inveigh againſt the Parliament, *Colledge* might only juſtify them, by throwing the ill things done in that time upon the Papiſts, as *Colledge* in his Defence ſays; and Mr. *Maſters*, after much pumping, recollected himſelf, and ſaid he thought the Priſoner ſaid, the Papiſts had a Hand in thoſe things; which prov'd the Truth of *Colledge*'s Aſſertion.

Mr. Maſters's *Evidence conſider'd.*

As for the Evidence of *Colledge*'s ſaying he might be a Colonel in time; if he hop'd for what he ſaid, it was no Crime, or Proof of a Crime, 'tis no more than what every private Soldier hopes for, and he himſelf had been one.

As for the Evidence of *Atterbury*, *Sawel*, and *Stevens*, of their ſeizing the Pictures; admit they ſwore true, it did not amount to the Proof of the Treaſon in the Indictment, or of any ſort of Treaſon: And yet if *Colledge*'s Maid ſaid true, it looks as if the finders or ſome other Perſon ſent them to *Colledge*'s Houſe, in order to find them there.

Pictures ſeiz'd.

Of all ſorts of Evidence, the finding Papers in a Perſon's poſſeſſion is the weakeſt, becauſe no Perſon can ſecure himſelf againſt Deſigns upon him in that kind. And after *Dangerfield*'s Deſign upon Colonel *Manſel*, and the Evidence in *Fitzharris* his Trial, that the Deſign of that Pamphlet was to convey Copies of it into ſome Members of Parliaments Pockets, and then ſeize them, that piece of Evidence ought to have been ſpar'd, till thoſe and other Practices of like kind had been forgotten.

Finding Papers in ones poſſeſſion a weak Evidence.

The laſt Witneſs was Sir *William Jennings*, of *Colledge*'s ſaying he had loſt the firſt Blood in the Cauſe, but it would not be long before more would be loſt; what was that more, than that he thought more would be loſt in the Cauſe, which he interpreted the Proteſtant Cauſe? Suppoſe he thought ſo without Reaſon, and was miſtaken, where was the Crime? But if he thought ſo upon good Reaſon, and good Reaſon he had to think ſo, there was no pretence of a Crime in it. I believe moſt men thought as *Colledge* did, from the time of the Buſineſs of *Fitzharris*; and what Imputation was it to him? Why were not all the Expreſſions he us'd in his Trial as good Evidence againſt him as that ſaying? For he then ſaid, *it was an horrid Conſpiracy to take away his Life, and would not ſtop at him, for it was againſt all the Proteſtants of* England, and the like; which was his Opinion, and after times ſhewed him a true Prophet.

Sir Will. Jennings *his Evidence conſider'd.*

One thing was very diſhoneſtly inſinuated, that the Priſoner was a *Papiſt*, which was only to incenſe the Jury againſt him, and it had its Effect; whereas it was very plain that he was a *Proteſtant*, tho perhaps a Diſſenter, and therefore had not lately come to the publick Church; and under that notion the *Papiſts* and ſome *Proteſtants* were contented that Diſſenters ſhould be puniſh'd as *Papiſts*: yet if they could have prov'd him a *Papiſt*, no doubt they would have done it; for the Deſtruction of the Man was the Deſign of the Proſecution, and it matter'd not for what Treaſon he was convicted, ſo he was convicted. And he himſelf gave a pretty ſort of Evidence againſt himſelf, if they could have prov'd him a *Papiſt*: he prov'd, and confeſs'd, he was educated a *Proteſtant*; and if they could have prov'd him reconcil'd to the *Popiſh* Religion, which was Treaſon, he helpt them a great deal in their Proofs: It was therefore very diſingenuous in the Chief Juſtice to reproach him at his Condemnation, that he had not made that Proof of his Religion as it was expected, when his Religion was not the Matter of which he was indicted; that was ſlily inſinuated to exaſperate, and no Proof pretended to be made of his being a *Papiſt*. But he had more Reaſon to complain of the Injuſtice of the Court in ſumming up the Evidence, who did it in ſuch a manner, that if they had been Counſel for the Priſoner, as they pretended, they would have been juſtly ſuſpected to have taken a Fee of the other ſide to betray their Client.

The Priſoner no Papiſt.

The Chief Juſtice diſingenuous to the Priſoner.

The Evidence not fairly ſummed up.

For, as *Colledge* readily ſaid, if the Chief Juſtice had looked on his Notes, he would have found more Evidence againſt *Turberville* and *Dugdale* than he had repeated. And it was a lame excuſe for the Chief Juſtice to ſay, he refer'd it to the Memory of the Jury, for he could not remember more; whereas I dare ſay, after about thirteen Hours Evidence, the Jury remember'd no more than that they were to find him Guilty.

The Priſoner's Courage.

The Truth is, upon the whole, what *Colledge* ſaid was true; they took away all helps from him for defending himſelf, and therefore they had as good have condemned him without a Trial. Notwithſtanding all which, the Courage of the Man never fainted, but after he was condemn'd, boldly ask'd *when he was to be executed?* To which the Lord Chief Juſtice reply'd, it depended on the King's Pleaſure; but ſmoothly ſaid, in thoſe Caſes of High Treaſon they did not uſe to precipitate the Execution, it ſhould not be ſo ſudden but that he ſhould have Notice to prepare himſelf.

12 Days allow'd before his Execution. The Reaſon why ſo long reprieved.

And in truth he had from the eighteenth, on which he was condemn'd, to prepare himſelf, to the one and thirtieth of *Auguſt* 1681. on which he was executed; a much longer time than was allow'd my Lord *Ruſſel*, or Mr. *Cornish*, and many others. And the true Reaſon of ſo long a Reprieve, was to ſee how the Nation would digeſt the matter, and whether the Man by the Terror of Death could be prevail'd upon to become a Tool to deſtroy other Innocents: but when it was found that the People were quiet, and that the Priſoner could not be prevail'd upon to do an ill thing to ſave his Life, his Execution was order'd; yet, as a ſhew of Mercy, his Quarters were permitted to be bury'd; a Favour he ſlighted, with ſaying that he car'd not whether he was eaten up with Flies or Worms. The ſame Favour was likewiſe ſhew'd *Fitzharris*, but the true Reaſon of both was, that they had a mind that the Trials and pretended Crimes, for which *Fitzharris* and *Colledge* were condemn'd, ſhould be forgotten; which would not be ſo ſoon done, if their Quarters were always expos'd to view. But tho all People were quiet, yet there was great grumbling, and moſt honeſt Men were afraid; and the conſtancy of *Colledge* at his Execution was ſuch, that it made the moſt violent againſt him relent.

His Conſtancy at his Execution.

Remarks on the Earl of Shaftsbury's *Grand Jury.*

THE next Perſon queſtion'd was the Earl of *Shaftsbury*, againſt whom a Bill of High Treaſon was prefer'd to the *Grand Jury*, at the Seſſions Houſe, on the 24*th* Day of *November* 1681. The Evidence was publickly given in Court, and was this.

Evidence given againſt the Earl of Shaftsbury.

Mr. *Blathwaite* ſwore he found the Papers then produc'd in a Velvet Bag in the great Trunk, which was taken by Mr. *Gwynne* in the Lord *Shaftsbury*'s Houſe. Mr. *Gwynne* ſwore, all the Papers in the Velvet Bag, when he deliver'd them to Mr. *Blathwaite*, were taken by him in the Lord *Shaftsbury*'s Houſe: Sir *Leoline Jenkins* ſwore the Paper produc'd was the Paper deliver'd him by Mr. *Blathwaite*, and it was unalter'd. Then the Paper was read, the Effect of which was a Project of an *Aſſociation* ſign'd by no Perſon, and whoſe Hand-writing it was none knew.

Booth's *Evidence.*

John Booth ſwore, that he was engag'd to Captain *Wilkinſon*, who pretended to have a Commiſſion from the Lord *Shaftsbury* and ſeveral others to go for *Carolina*; he was about that time introduc'd into the Earl's Acquaintance by the Captain, where was a Diſcourſe about *Carolina* Buſineſs; he was four or five times between *Chriſtmas* and *March*, with the Earl and the Captain: that the Captain told him he was to command fifty Men to be the Earl's Guard at *Oxon*, and would have had him to be one: That if the King did not conſent to ſeveral *Acts* of *Parliament* and other things, they were to purge the *Guards* and *Court* of ſeveral Perſons; and tho the Captain told him that firſt, afterwards he heard the *Earl* ſay the ſame things, particularly about a week or ten days before the Parliament ſat at *Oxon*, he gave ſome Intimation of this to *Walter Banes*, and then writ it down, and ſent it to the Counſel ſealed in a Cover.

Turberville's.

Turberville ſwore, that the Lord *Shaftsbury* ſaid about *February*, there

there was but little good to be done with the King as long as his Guards were about him. *Smith* teſtify'd a great deal of Diſcourſe between him and the Lord *Shaftsbury* of ſomething ſaid reflecting on the *King*; and that he ſhould ſay that if the King ſhould offer any Violence to the *Parliament* at *Oxford*, he would meet with a ſtrong Oppoſition, for that the Gentlemen, who came out of the Country, came well provided with Horſe and Arms to oppoſe, and that they might lawfully do it, if he offer'd any Violence to them whilſt they ſat. *Haynes* ſwore, that the Earl ſaid if the King did not give *Haynes* his Pardon, he and others would raiſe the Kingdom againſt him; that *Haynes* gave the Earl an exact account of Tranſactions ſince King *Charles* the *Firſt's* coming to the Crown, and that the Earl ſaid the Duke of *Buckingham* had as much Right to the Crown as any *Stuart* in *England*. *John Macnamarra* ſaid, the Earl ſaid, the King was *popiſhly affected*, and took the ſame Methods his Father did, which brought his Father's Head to the Block, and they would bring his thither; and this was ſaid in the preſence of *Ivey*, and he thought of his Brother; and ſaid, the King deſerv'd to be depos'd as much as King *Richard* the II. *Dennis Macnamarra* likewiſe teſtify'd the laſt Words, and that it was the latter end of *March* or beginning of *April*. *Ivey* ſaid, the Earl ſaid, if the King deny'd *Haynes* a Pardon, they would riſe upon him and force him to give one, and that they deſign'd to depoſe him and ſet up another in his ſtead. *Bernard Dennis* ſaid, he had a great deal of Diſcourſe with the Earl, who bid him ſpeak to his Friends in *Ireland* to be in a readineſs to aſſiſt the Commonwealth of *England*; for they intended to have *England* under a Commonwealth, and extirpate the King and his Family.

Haynes.

Macnamarra.

Dennis.

Then the Court told the Jury the Indictment was grounded on the Statute of King *Charles* the II. but they ought to conſider of that Statute, as alſo the 25*th* of *Edward* the III.

The queſtion is, whether the *Grand Jury* ought to have found the Bill on this Evidence. Firſt it ought to be conſider'd, what the Duty of a *Grand Jury* is; and I think it is not what the *Chief Juſtice* ſaid, to conſider only whether there be probable ground for the King to call the Perſon accus'd to an Account, much leſs do I think that the reaſon of finding a Bill by the *Grand Jury* was for the Honour of the King, or Decency of the Matter, leſt Perſons accus'd ſhould be call'd to an Account by the King, where there is no kind of Suſpicion of the Crime committed by them, as the Court ſaid (which laſt Matter was never aſſign'd as a Reaſon of finding a Bill by the *Grand Jury* before) but I take the Reaſon of a *Grand Jury* to be this, that no Man for a capital Matter ſhall ever be *queſtion'd by the King*, unleſs a *Grand Jury* take it on their Oaths that they believe the Matter of the Accuſation true; I put an Emphaſis on the Words *queſtion'd by the King*.

Q. if the Bill ought to be found on this Evidence.

Duty of a Grand Jury.

It is true, it is generally ſaid, that the buſineſs of a *Grand Jury*, in capital Matters, is *in favorem vitæ*; but that taken ſimply is not true, for then what Reaſon can be aſſign'd, why a Man ſhall be arraign'd on an Appeal of Murder, Robbery or the like, which touches his Life, as much as an Indictment of thoſe Crimes, without having the Matter of the Appeal firſt found to be true by a *Grand Jury*? But the true Reaſon of a *Grand Jury* is the vaſt Inequality of the *Plaintiff* and *Defendant*, which in an Indictment is always between the King and his Subjects; and that doth not hold in an Appeal, which is always between *Subject* and *Subject*: and therefore the Law in an Indictment hath given a Privilege to the Defendant, which it hath done in no other Proſecution, on purpoſe, if it were poſſible, to make them equal in the Proſecutions and Defence, that equal Juſtice may be done between both. It conſiders the *Judges*, *Witneſſes* and *Jury* are more likely to be influenc'd by the King than the Defendant; the *Judges* as having been made by him, and as it is in his power to turn them out, puniſh, to prefer or reward them higher; and tho there are not juſt Cauſes for them to ſtrain the Law, yet they are ſuch Cauſes, which in all Ages have taken place, and probably always will. This was the Reaſon of running *Prerogative* ſo high in their Judgment of *High Treaſon* before the *Stat.* of *Ed.* III. that no Man, as that Statute ſays, knew what was not *High Treaſon*: This was the Reaſon of expounding that *Statute* oftentimes between the making of it and the making the Statute of Q. *Mary*, that People were at as great a loſs, till the laſt Statute, as they were before the making of the firſt; and even ſince the Statute of Q. *Mary*, the Expoſition on the Statute of *Ed.* III. has been ſo extravagant and various, that People are at this day as much at a loſs to know what is not *High Treaſon*, as they were before the Statute of *Ed.* III. Nor was it, nor is it poſſible, but that the great Power of enriching, honouring, rewarding and puniſhing lodg'd in the King, always had, and yet muſt have an Influence on the *Witneſſes* and *Jury*; and there-

True Reaſon of a Grand Jury.

therefore it is that the Law has order'd, that at the King's Proſecution no Man ſhall be criminally queſtion'd, unleſs a *Grand Jury*, upon their own Knowledg, or upon the Evidence given them, ſhall give a Verdict, that they really believe the Accuſation is true.

Duty of a Grand Jury of late.

I own of late days, they have ſaid the Duty of the *Grand Jury* is to find, whether the Accuſation be probable or no. But that ſaying is warranted by no poſitive Law, or antient Authority; and therefore the Duty of the *Grand Jury* muſt be founded in the *Oath* adminiſter'd to them, which is as ſtrict as the *Oath* adminiſter'd to the *Petit Jury*: and to ſay Truth, the Verdict of the *Petit Jury* takes credit from the Verdict of the *Grand Jury*; which is not only the Reaſon of the difference in the Names of the two Juries, but is likewiſe the Reaſon why an Attaint for a falſe Verdict doth not lie againſt a *Petit Jury*.

The Grand Jury's Oath.

The Oath of the Grand Jury is, *To preſent the Truth, the whole Truth, and nothing but the Truth:* The Oath of the *Petit* Jury is, *well and truly to try, and true Deliverance make, between the King and the Priſoner at the Bar*, &c. which ſignifies the ſame thing as to preſent the Truth, *&c.* It is true, ſome Reaſons have been offer'd, which if conſider'd, are Words without Senſe; as that the Preſentment of the *Grand Jury* is but in order to bring the Priſoner to his Trial, and he is not before the *Grand Jury* to make his Defence himſelf: but that can be no Reaſon why Probabilities ſhould ſatisfy the Jury, becauſe it doth not anſwer the Deſign of the Law, which will have a Man convicted by the poſitive Oaths of *two Juries*, conſiſting of more than twenty four, in all Indictments.

Queries about the Grand and Petit Jury.

Next, why is a *Grand Jury* compos'd of more ſubſtantial and underſtanding Men than a *Petit Jury*, if their buſineſs be mere Formality, or a Matter of leſs weight than the buſineſs of a *Petit Jury*? In the laſt place, why is leſs Evidence requir'd to convict a Man in his abſence than is requir'd to convict him if preſent? It is ſo far from an Argument, that leſs Evidence is requir'd to convict one if abſent than if preſent, that it ſeems to me that more Evidence ſhould be requir'd to do it. Men may, and often do make very fair Stories in the abſence of a Perſon accus'd, that when preſent, he eaſily anſwers; and there being no poſitive Law for the Direction of a *Grand Jury* in that Matter, a *Grand Juryman* is excuſable, nay it is his Duty to give a Verdict according to the plain underſtanding of the Words of his Oath, which is to preſent the Truth, as far as he is convict of it; and that Truth muſt be found according to his Knowledg, or as it is repreſented to him by Witneſſes.

Witneſſes to be Perſons of Credit.

And as for the Witneſſes, they muſt be Perſons of Credit; and all Perſons are ſuppos'd to be ſo, unleſs the *Grand Jury* know the contrary, or have been ſo credibly inform'd. 'Tis true, a *Grand Jury* ought not to believe *Coffee-houſe* Stories, or light Stories; but common Fame by credible Perſons, which is *vox Populi*, ought to prejudice them aga inſt a Witneſs, ſo as to disbelieve him: and it is no Anſwer to ſay, as the *Chief Juſtice* in this Caſe ſaid, that the Credibility of the Witneſs is not to be conſider'd by the *Grand Jury*, becauſe the King is not preſent to defend the Credit of his Witneſs; tho the Fact in that Caſe was not true, for the King's Attorny, Sollicitor and Counſel were preſent, and I think the King is no otherwiſe preſent at any Criminal Proſecution; and the Jury knew by *Colledge*'s Trial and by *Wilkinſon*'s Depoſitions before the King, that the Evidence of all the Witneſſes produc'd except what were to the Paper was queſtion'd, but even that was afterwards quitted by the Court when it would not be ſwallow'd by the *Grand Jury*; for afterwards the Court told them that if they, of their own Knowledg, knew any thing againſt the Witneſſes, they might conſider of it, but not of what they were credibly inform'd by others: and beſides the Credibility of the Witneſſes, the Poſſibility or Probability of the thing ſworn is to be conſider'd by the *Grand Jury*; an impoſſible thing they ought not to believe, tho ſworn by never ſo many credible Witneſſes, and a very improbable thing they cannot poſitively on their Oaths ſwear they believe.

How the Grand Jury is to proceed as to Fact and Law.

And not only the Fact, but what the Crime of the Fact alledg'd in the Bill of Indictment, the *Grand Jury* as far as they are capable of judging Matter of Law, ought to conſider; ſo they were told in the Charge given them. 'Tis true, if they were ignorant in the Law, and the Court in their directions miſled them, as if the Court ſhould tell them ſtealing a Horſe is High Treaſon, and the *Grand Jury* find it accordingly, it is excuſable in the *Grand Jury*, tho puniſhable in the Court. But wrong Directions by the Court in finding a Fact where there is no Evidence, do not excuſe the *Jury*.

Now to examine the Matter in hand by theſe Rules, could any Perſon who knew my Lord *Shaftsbury*, or that had heard of, or believ'd his Character to be what it was,

was, believe that it was poſſible for him to diſcourſe with the Witneſſes at the rate they ſwore, to ſome of them at the firſt, to others of them the ſecond time he ſaw them; to diſcourſe of Matters of Policy, with *Booth* at one time, and afterwards with *Haynes*, and afterwards with *Macnamarra*, Fellows of ſo little Senſe, that he would have been aſham'd to have entertain'd them in the meaneſt Office about him; and yet as they pretended, he makes them his Privadoes in the Secret, of not ſo much what he would have had them, but of what he intended himſelf to do? *Improbability of the Evidence.*

Who could believe any thing, *Turbervile*, *Smith* or *Haynes* ſhould ſay, where there was ſo much of their Falſhood and of their Deſigns to ſwear falſly, prov'd againſt them in *Colledge*'s Trial? or of *Ivey* and the three *Macnamarras* after that Trial, who tho they were not produc'd at it, becauſe the King's Counſel by *Colledge*'s Notes ſaw he was able to falſify them, yet ſome Witneſſes in that Trial prov'd their Deſign of ſwearing falſly? *The Witneſſes diſprov'd.*

Who could believe *Booth*'s ſtory of liſting ſo many Men under *Wilkinſon*, to be at my Lord *Shaftsbury*'s diſpoſe at *Oxon*, after *Colledge*'s Trial, and after what *Wilkinſon* had teſtified to the King and Council, tho not then prov'd to the *Grand Jury*?

A Judg indeed cannot take notice of any thing not prov'd (tho he may and ought to be a Witneſs, if he knew any thing material of the Matter try'd before him and others) but a *Grand Jury* may take notice of any thing they know or believe. The Paſſages at *Colledge*'s Trial were pretty notorious, being authentically publiſh'd by *Fra. North*, and the Examination of *Wilkinſon* by as authentick a Paper. *The Judges Duty.*

It was unaccountable, that the Witneſſes conceal'd what they heard the Earl ſpeak ſo long, of which none of them pretended to give any Reaſon; nor was it any excuſe to thoſe who ſign'd a Petition to the City, in which they ſuggeſted they were tempted to ſwear againſt their Conſciences, to ſay they knew not what was in the Petition: he that ſets his hand to a thing as if he aſſented to it, but doth not, is a Man of Falſhood. Suppoſe one ſets his hand to a Bond, ſaid to be ſeal'd and deliver'd, not having ſeen it ſeal'd and deliver'd, is not he guilty of little leſs than *Forgery*? But admitting thoſe Witneſſes had ſworn Truth, yet the Jury ought not to have found the Bill; for they ought to find the Bill true according to all the material Circumſtances of it, as well as the Subſtance of it, which was *High Treaſon*: One material Circumſtance of it was, that it was ſaid to be High Treaſon within the Statute of *Charles* II. And that made another Circumſtance of the Indictment material, which was the time when that Treaſon was committed; becauſe by that Statute the Proſecutions of Treaſon on that Statute ought to be within ſix Months after it is committed, and the Indictment ought to be within three months after the Proſecution: and he being impriſon'd in *July*, and the Bill ſuggeſting that the ſuppoſed Treaſon was committed the 18*th* of *March* before, and divers other times both before and after, which might be interpreted to have been after the Priſoner's Commitment; had the Jury found the Bill as laid, they had found the Treaſon to have been committed, not only within the time the *Proſecution* by that Statute ought to be, but alſo within the time the *Indictment* ought to have been preferred; whereas in truth, the Earl had been impriſon'd above three months before the *Indictment* preferred, and there was no Evidence of any Treaſon committed by him after his Impriſonment: and therefore the finding the Bill as laid had been injurious, to bring a Man in queſtion for his Life on that Statute, whereas by Law he ought not to have been. *More Improbabilitys in the Evidence.* *The Grand Jury ought not to have found the Bill on the Statute of* K.Ch. II.

For it was reſolv'd in *Colledge*'s Caſe, that the Proſecution for Treaſon on that Statute ought to be within ſix Months, and the Indictment within three Months, tho the Court was of another Opinion in the Lord *Ruſſel*'s Trial.

And that this Indictment was on that Statute, was expreſly ſaid to the *Grand Jury*, and upon good Reaſon; for the Court in their Charge ſaid, that the Intention of levying War, or deſigning to impriſon the King, was not Treaſon, till the Statute of *Charles* the Second; tho in the Lord *Ruſſel*'s Trial it was held to be Treaſon by the Statute of *Ed.* 3. and therefore the Time of the Treaſon committed was material to be found by the *Jury*. *The Intention of levying War, &c. made Treaſon in* K.Ch.II's *time.*

As for the Writing found in the Earl's Study, it was no manner of Evidence of Treaſon, admitting what the Witneſſes ſwore as to the finding it to be true; becauſe it was not prov'd that it was proſecuted or compos'd by the Earl of *Shaftsbury*, or by his Order, and that piece of Evidence was in that Particular a mere Original. *The Paper found, no Evidence.*

In *Fitzharris* his Caſe, it was prov'd the Libel was compos'd by his direction; Colonel *Sidney*'s Book was prov'd to be like his Hand; it was pretended that *Colledge* ſaid

ſaid he was the Author of the *Raree-ſhow*, and no Example of this Evidence was ever made uſe of before.

No Treaſon in the Paper. Neither was it Evidence of Treaſon as to the Matter, for there was not one word againſt the preſent King, but his Succeſſor, if he ſhould be ſuch a Perſon.

No mention of deſtroying the Guards in the Paper. It is true, one of the King's Counſel ſaid that one Paſſage in it was, that they would join to deſtroy the Mercenary Forces about *London*, and thence inferr'd it was down-right levying War againſt the King and his Guards; whereas there is not any ſuch word or thing in the Paper as he pretended to cite: and if it had been in the Paper, it would have been but Evidence of a Treaſon within the Statute of the late King. And then the time of writing it, ought to have appear'd; and if that had been clear'd, yet for the above Reaſons it was no Evidence; and the *Grand Jury*, tho ſome of them afterwards ſmarted for it upon other Pretences, did like honeſt underſtanding Gentlemen; and had they done otherwiſe, to avoid the Ignominy of being call'd, tho in truth it was an honour to be, an *Ignoramus Jury*, they had juſtly deſerv'd the Reproach which ſince have lighted on other Juries, ſuch as Mr. *Coniſh*'s, and the like. And having ſpoken of this *Ignoramus Jury*, for which two of them, if not more, were afterwards upon other Pretences ſeverely handled; I think fit to ſay ſomething of the Sufferings of one, for being in a preceding *Ignoramus Jury*, becauſe it was a mere Novelty, and that was Mr. *Wilmer*.

Ignoramus Jury.

Remarks on Mr. Wilmer's

Homine Replegiando.

Wilmer's Caſe. HIS Proſecution, tho it was but Criminal and not Capital, did as much Miſchief, as it ſtruck a Terror into all *Grand Juries*, as any the before-mention'd Matters; and it was by the *Homine Replegiando* iſſued out againſt him. As for the Information againſt him I ſhall ſay nothing, becauſe the Injuſtice of both will appear in the Diſcourſe of the firſt. Mr. *Wilmer* had ſent a Boy beyond Sea by agreement, as Mr. *Wilmer* ſaid, whether true or not as to this Matter is not material; a *Homine Replegiando* is granted againſt Mr. *Wilmer* for this, at whoſe Proſecution is not material: for any Perſon upon ſuggeſtion, back'd by an *Affidavit*, may have it granted. The *Sheriff* would have return'd on the Writ, that the Boy was ſent by his own Agreement and Conſent with Mr. *Wilmer*; which return was not allow'd, and the Sheriffs were told that they muſt either return they had replevied the Boy, and they muſt have him in Court, or elſe they would be laid by the heels; or elſe they muſt return that Mr. *Wilmer* had *Eſloigned* him, which is carrying him away, where the Sheriff could not find him; and then a *Withernam* would iſſue againſt Mr. *Wilmer*, upon which he would be taken and kept in Priſon till he produc'd the Boy: and no other Return ſhould be allow'd than one of thoſe two, and if they did not make one of thoſe two Returns, they ſhould be committed. Now if the Law be ſo the Court were innocent, but the Law ought then to be reform'd in that Particular; but if the Law was not ſo, as I think it is not, I think Mr. *Wilmer* and the Nation had great Injuſtice done them; for it was quickly ſeen what the miſchief of that Judgment was, and therefore it was endeavour'd to be reform'd by an Act of King and Council afterwards: Firſt, I ſay, it is lawful for a Maſter to covenant with a Servant to ſerve him beyond Sea; in the next place it is lawful for a Maſter to ſend his Servant beyond Sea according to ſuch Agreement. And if both theſe Propoſitions be true, as I think no Man will ſay they are not, it is a natural Conſequence to ſay, that the Law hath provided a Return upon a Writ of *Homine Replegiando*, if it ſhould be ſued out againſt ſuch Maſter for a Servant ſo ſent beyond Sea, which may indemnify the Maſter in ſo doing; and that Return can be no other than the ſpecial Matter, which in this Caſe was refuſed to be accepted. 'Tis no Argument that no ſuch Return is ever read of in any Book: For the Law hath determin'd,

Sheriffs neceſſitated to make one of 2 Returns.

The Miſchief of that Judgment.

Reform'd afterward by the King and Council.

nin'd, that ſome Returns are good and others bad; yet it hath not ſaid what are all the good Returns which may be made on an *Homine Replegiando*, and the Sheriff is no more confin'd to Returns than a Man in the pleading of his Caſe, which my Lord *Coke* ſays may vary according to the nature of his Caſe; and yet the Law hath ſaid what is a good Plea, and what a bad one, but hath not expreſt all the good or bad Pleas. And therefore it is no Argument againſt ſuch a Return, that no Precedent of it can be found, 'tis enough that no Judgment can be produc'd againſt it; and the reaſon of both may be, that the Caſe never happen'd before, that is to ſay, that never any Perſon was ſo malicious before, as to ſue out an *Homine Replegiando* againſt a Maſter for a Servant ſent by Agreement beyond Sea: and Returns muſt be vary'd according to the Caſe. Perhaps no Precedent can be found of a Return on that Writ, that the Perſon ſought for is dead; yet all Perſons will agree it is a good Return, it is ſo in Replevin of Cattel, and even that Example falſifies the Doctrine of the Court, that there are but two Returns on that Writ allowable by Law. It is not an Argument for diſallowing the Return, that the Perſon ſent beyond Sea was a Child not capable of making ſuch a Contract (tho I believe if the Matter were look'd into, he was of Age ſo to do) for nothing of that doth, or can appear in the Writ or Return: It ſtands therefore ſimply upon this, whether the Sheriff may on an *Homine Replegiando* return, that the Perſon ſuppos'd to be in cuſtody, being of full Age, was by mutual Agreement ſent beyond Sea by the Perſon in whoſe cuſtody by the Writ he is ſuppos'd to be, which I think is far from a doubt. But notwithſtanding all theſe hardſhips on *Juries*, it was ſeen to be plainly impoſſible to procure any Bills of Indictment for *High Treaſon*, much leſs any Perſons to be convicted on the like Evidence except in *London*, where are ſome of the beſt as well as the worſt Men in the Nation; and even there it was not to be done as long as the *Juries* were ſenſible and honeſt Men, which would be as long as the Election of Sheriffs was in the Citizens; and to the honour of the City, it was ſeen that they choſe only honeſt Men to be their Sheriffs, and that when they ſaw the Publick Safety depend on honeſt Officers, tho at other times they had rather pay a Fine, than undergo the trouble and charges of that Office, yet at that time no Man legally choſen refus'd to ſtand, tho they were reproach'd and puniſh'd for it; and if Mr. *Box* refus'd, it was becauſe he would not join with *North* who was impos'd on the City, for which reaſon it was reſolv'd to take from the City the Right of chuſing Sheriffs, but by what means it was not preſently reſolv'd on.

No Precedent of ſuch Returns.

The Caſe of the Sheriff ſtated.

The City always choſe honeſt Men for Sheriffs.

That the City might forfeit their right of Electing, there was no great doubt; as if the Sheriffs were dead and new ones were not choſen in a convenient time, ſo that there was a defect of Juſtice or the like: but nothing of that kind could be laid to their charge, andtherefore a new unheard of Matter was thought on and ſet a-foot, which was to make the City forfeit their being a Corporation, and being annihilated, the Grants made to them by the Crown, as the Right of Electing Sheriffs was, would revert to the Crown again.

How the City could forfeit their electing of Sheriffs.

A *Quo Warranto* was therefore brought againſt the City in *Hilary* Term 1681. to ſhew by what Warrant they pretended to be a Corporation, and to have the Priviledges mention'd in the Writ, to which the City pleaded and ſet forth their Right; and the King reply'd, and ſet forth ſeveral Matters done by them, contrary to the Duty of a Corporation: upon which there was a *Demurrer*, of which Judgment was not given till *Trinity* Term 1683. I will ſay nothing of the Right of the Proceeding, it having been largely and learnedly argu'd for the City; but if the Matter were ſo clear a Caſe, as the King's Counſel and Court would have it to be, how came it to paſs that in *Henry* the Eighth's Time, when the King was ſo earneſtly bent to diſſolve the Religious Corporations, in which the publick Inclination join'd with him, the doing it by *Quo Warranto* was not thought of? It was very plain, that thoſe pretended Religious did not obſerve the Rules, nor perform the Ends for which they were incorporated; and certainly their Miſdemeanours againſt the intent of their being incorporated were better Cauſes of Forfeiture than was the City's petitioning for a Parliament, *&c.* Yet that King took other Methods, he had formal Conveyances of their Lands from moſt of thoſe Corporations, and formal Surrenders of their Corporations ſign'd by every Individual of the Corporations, and thoſe afterwards confirm'd by Act of Parliament. And ſure the late King had as much Right to bring a *Quo Warranto* againſt *Maudlin College* for refuſing, contrary to their Duty, to admit the Preſident the King nominated, if the King had a Right to nominate the Preſident (as ſome Judges aſſerted he had) as King *Charles* the

Quo Warranto *brought againſt the City.*

Hen VIII. *us'd no* Quo Warranto's *to diſſolve the Religious Houſes.*

Maudlin *College as liable to a* Quo Warranto *as the City.*

the Second had againſt the City: and it was once in debate, whether the Proceeding againſt that College ſhould be by *Quo Warranto*, or before the *Eccleſiaſtical Commiſſioners*; the laſt was reſolv'd on, not as more legal or effectual, but as more expeditious, in the one the Proceedings being *de die in diem*, in the other from Term to Term. This only I will obſerve, that when the Judgment againſt the City was given, which was of the greateſt Concern to the Nation ever conteſted in any Court of *Weſtminſter Hall*, it was done by two Judges only, and no reaſon of that Judgment rendred, whereof *Wythens*, who was one, I think, heard but one Argument in the Caſe. It is true they ſaid *Raymond*, when alive, was of the ſame Opinion, and ſaid *Saunders* who was then paſt his Senſes was of the ſame Opinion, tho I was told by one who was preſent, when the two Juſtices came to ask his Opinion in the Matter, he had only Senſe enough to reproach them for troubling him about the Matter, when they were ſenſible he had loſt his Memory. And to ſay truth, the delivering the Senſe of an abſent Judg, tho it hath been ſometimes practis'd, is not allowable; for ſometimes they deliver another Opinion than what the abſent Judg is of. Judg *Withens* did ſo in ſeveral Caſes, when he deliver'd the Opinion of Sir *Edward Herbert*, which Sir *Edward Herbert* afterwards in open Court diſown'd: Judg *Holloway* ſerv'd Judg *Powel* the ſame Trick, if the laſt ſaid true. The long depending of the *Quo Warranto* had alarm'd all the Nation, who yet were quiet, hoping that Judgment would be given for the City, as ſome of the Judges and of the King's Counſel had given out it would; but the contrary was reſolv'd on, and therefore the Nation at the time of the giving the Judgment muſt be amus'd with ſomewhat elſe, and nothing ſo proper as a Plot: but there was difficulty in that alſo, for if the pretended Plotters ſhould be acquitted it would make the Matter worſe; and nothing would ſecure that, but impoſing what Sheriffs they pleas'd on the City, and accordingly *North* and *Rich* being pitch'd on, the one by a ſhameleſs Trick, and the other by open Force, were impos'd on the City.

Judgment given againſt the City by 2 Judges only.

Judg Withens delivers the Opinion of other Judges contrary to Truth.

North and Rich impos'd as Sheriffs by Force and Trick on the City.

Having gain'd that Point, the Proceedings in the *Quo Warranto* were much quicker than before, and two Arguments were only permitted in it of each ſide, the one in *Hilary* Term, the other in *Eaſter* Term; and ſo the Caſe was ripe for Judgment in *Trinity* Term following, but muſt be, and was uſher'd in with the diſcovery of a pretended Plot, which ſo amaz'd the Nation, that tho Judgment in the *Quo Warranto* was given two days after the pretended diſcovery, no body took any notice of it for ſeveral Months after it was given. The truth was, no body durſt mutter againſt it, or queſtion the legality of it; it was enough to have brought any Perſon into the Plot to have done it, it would have been call'd flying in the Face of the Government, queſtioning the Juſtice of the Nation, and ſuch like *Cant*.

The Plot and Judgment againſt the City about the ſame time.

Remarks

Remarks on the Lord Ruſſel's *Trial.*

THE Plot being nois'd abroad, the Perſons before-hand reſolv'd on were ſeiz'd on, and the Lord *Ruſſel* and others were clapt up cloſe Priſoners.

Lord Ruſſel *ſent to the* Tower.

The Lord *Ruſſel* having been for ſome few Weeks a cloſe Priſoner in the *Tower*, was the 13*th* of *July*, 1683. brought to the *Old-Baily*, and arraign'd for High-Treaſon, in deſigning to raiſe a Rebellion, *&c.* and the ſame Morning was try'd. He deſir'd he might not be try'd that day, for he had ſome Witneſſes which would not be in Town till Night: Which being deny'd, then he deſir'd that the Trial might be put off till the Afternoon; which was likewiſe deny'd. He ask'd whether he might not make uſe of any Papers he had? which was allow'd. He deſir'd he might have a Copy of the Pannel of the Jury that was to paſs on him; he was told he had a Copy deliver'd to his Servant ſome days before.

Arraign'd for High Treaſon, & try'd the ſame morning.

Debate about challenging one that is no Freeholder to be of the Jury.

The Jury being call'd, he challeng'd the Foreman for being no Freeholder in *London*. To argue which, Counſel were aſſign'd him; who preſently came into the Court, and having excus'd their not ſpeaking more to the Matter for want of time to conſider of it, argu'd, That it was a good Challenge, becauſe at Common Law every Juryman ought to be a Freeholder; that the Statute of 2 *Hen.* 5. provides none ſhall be a Juryman in capital Matters, but a Freeholder of forty Shillings yearly: That there is no difference between a City and County, and a County at large at Common Law, nor by that Statute 7 *Hen.* 7. which takes away the Challenge of no Freehold in the Ward in *London*, and ſhews it was a good Challenge in *London* before that time: the 4*th Hen.* 8. which likewiſe takes away the Challenge of no Freehold in *London*, ſhews it was a good Challenge before that time, and the ſame was inferred from the 23*d* of *Henry* the Eighth: But tho none of thoſe Statutes extended to Treaſon, yet if it was a good Challenge in Treaſon in *London* before thoſe Statutes, it was ſo ſtill.

The King's Counſel argue againſt it.

The King's Counſel ſaid, at Common Law it was not neceſſary that a Juryman in Treaſon ſhould be a Freeholder; and tho Treaſon is within the 2*d* of *Henry* the 5*th*, yet by the Statute of Queen *Mary*, the Statute of the 2*d* of *Henry* the Fifth, as to Treaſon, was repeal'd; that it was a Point they would not have loſt to the City of *London*; that if the Priſoner ſhould peremptorily challenge thirty five, as by Law he might, there would ſcarce be found thirty five more Freeholders in the City, the Inheritance of the City being moſtly in the Nobility and Corporations, and conſequently Treaſons may be committed in the City, and there would not be enough to try it; and in the Caſe of the City of *Worceſter*, in a *Quo Warranto* brought againſt them, that Challenge was taken and over-rul'd by the *Kings-Bench*, by Advice of the Judges of the *Common-Pleas*; that the *Venire* mentions no Freehold, but only *Probos & Legales Homines de Vicineto.*

The Chief Juſtice's Opinion about the challenge of no Freehold.

Then the Chief Juſtice ask'd Mr. *Pollexfen*, Whether he did find in any Judgment in Treaſon at Common Law, that no Freehold was a Challenge? who anſwer'd, He did not: Whereupon the Chief Juſtice reply'd, that then he did not ſpeak *ad idem*; for he took it in caſe of Treaſon and Felony, at Common Law it was no Challenge; and the Statute of *Henry* the Fifth in that Point was introductive of a new Law, and that Statute as to Treaſon was repeal'd by that of Queen *Mary*; and that a Caſe cannot be found of ſuch a Challenge in Treaſon ſince the Statute of Queen *Mary*, but it was a buſineſs of great Importance.

Chief Baron of the ſame Opinion, and the other Judges alſo.

The Chief Baron was of the ſame Opinion; for the ſame reaſon Juſtice *Windham* and Juſtice *Jones* were of the ſame Opinion; the laſt added, the rather becauſe the Priſoner is allow'd to challenge thirty five peremptorily: and Juſtice *Charlton* was of the ſame Opinion. and the rather, becauſe no Precedent had been offer'd of ſuch a Challenge before: Juſtice *Levins* was of the ſame Opinion, for the ſame Reaſons: Juſtice *Street* was of the ſame Opinion, for the ſame Reaſons, and thought they had been very nice when the Life of the King lay at ſtake, and all the Cuſtoms and Privileges of the City of *London* ſeem'd to be level'd at in that Point: Juſtice *Withins* was of the ſame Opinion.

Priſoner's Challenge over-rul'd.

Then the Chief Juſtice told the Priſoner, the Court over-rul'd his Challenge; but that he had no hardſhip put upon him, for the Reaſon of Law for Freeholders was,

that no ſlight Perſons ſhould be put upon the Jury, but in his Caſe there were Perſons of Quality and Subſtance put upon the Jury, which was the ſame in ſubſtance with a Jury of Freeholders.

Their Reaſons. Theſe being the Reaſons of over-ruling that Challenge, they may be ranked under theſe Heads. There was no ſuch Challenge at Common Law; if there were, yet not in Treaſon. And if it were a Challenge in Treaſon, where the Trial is in a County at large, yet not where it is in a City and County; and if in a City and County, yet not in *London*.

Several reaſons for the ſame Opinion ſuſpicious. The aſſigning many Reaſons for one and the ſame thing, makes the Judgment juſtly ſuſpected: for if when two Witneſſes to one Fact varying in the Circumſtances of it, are juſtly ſuſpected in point of Truth, ſeveral Reaſons for the ſame Judgment make the Knowledg or Integrity of the Judges juſtly ſuſpected; every Caſe in Law, as my Lords *Coke* and *Hale* ſay, ſtanding upon its own particular Reaſon: and therefore when many Reaſons are given, it looks as if the Judges were hunting about for Reaſons to make good what beforehand they are reſolv'd to vent for Law, rather than that their Judgment is the Reſult of thoſe Reaſons.

The Judges Reaſons examin'd. But to conſider them ſingly, I do indeed think there is no expreſs Reſolution, that at Common Law, in any Caſe of any capital Matter, it was a good Challenge (except the Caſe of *Fitzharris*, already taken notice of) but in civil matters my Lord *Coke* is expreſs, that at Common Law it was a good Challenge; and with him Sir *John Forteſcue* ſeems to concur, who in his Expoſition on the Statute of *Henry* the 5*th* ſays, if the Debts or Damages be under forty Marks, the Juryman ſhall have Land to a competent Value, according to the Diſcretion of the Juſtices. My Lord *Coke* ſaith, in ſuch Caſe any Freehold ſufficeth; now how can that be true, if it were not neceſſary at Common Law to have ſome Freehold? for the Statute makes no Proviſion for Debt or Damages under forty Marks. It muſt therefore be by Common Law, that ſome Freehold was neceſſary, and that any Freehold ſhall ſuffice. And ſurely, if in civil Matters it was neceſſary for a Juror to have a Freehold, much more in capital Matters, and moſtly in Treaſon. It is very plain, that at Common Law no Man was thought to be a ſufficient Man but a Freeholder; and tho now, and for ſome time paſt, the Value of Trade is equal to that of Land, yet heretofore it was not ſo, and by what was heretofore, the Common Law is to be known.

The neceſſity of a Juror's having a Freehold.

Whether Trade makes a Freehold. The matter of Trade was heretofore ſo inconſiderable, and the Traders themſelves for that reaſon ſo vile, that it was a Diſparagement for a Freeholder to marry with a Tradeſman, as is to be ſeen by the Statute of *Wharton*: and therefore mere Tradeſmen, and not Freeholders, were not to be truſted with the concern of a Trial in a civil Matter, and much leſs in a capital, and leaſt of all in a Trial of High-Treaſon.

The unreaſonableneſs of a Juror not being a Freeholder. The Chief Juſtice *Pemberton* ſays, that the reaſon of Freeholders was, that no ſlight Perſons ſhould be put upon a Jury where the Life of a Man, or his Eſtate is in queſtion; it is plain therefore, the Concern of the thing to be tried, is the meaſure of the ſubſtance of the Jury-man. If that be true, the Trial in Treaſon is of the higheſt concern: How then is it true, as ſome of the Judges concluded, that tho Freehold might be requiſite in ſome Caſes at Common Law, yet in Treaſon certainly not? it is indeed a Paradox to me.

No Freehold a juſt Cauſe of Challenge, and why. And the peremptory Challenge of thirty five allowed the Priſoner, is no Reaſon againſt the Challenge of no Freehold; for that is only a Privilege allowed the Priſoner *in favorem Vitæ*; and it might as well be argued, that no Challenge at all to the petty Jury ſhall be allow'd the Priſoner, becauſe he had a Grand Jury paſt upon him before, which is alſo *in favorem Vitæ*; that no Man at the King's Suit ſhall be ſo much as queſtion'd for his Life, till above the number of twelve ſubſtantial Men have, on their Oaths, ſaid they think the Accuſation true; and after that, he is allowed to challenge peremptorily thirty five, and with Cauſe without number. To affirm therefore that no Freehold is not a cauſe of Challenge, becauſe he may challenge peremptorily thirty five, is a *non ſequitur*: and tho Non-uſage, that is to ſay, that this Challenge was never taken in Treaſon, was then us'd as an Argument, yet it is the weakeſt of Arguments, which is to be found in *Littleton*; tho even that Fact was not true, for the Challenge was taken and allow'd before, unleſs you will diſtinguiſh and ſay, that in that Caſe it was taken by the King, and therefore good, and in this by the Priſoner, and therefore bad. I'm ſure that difference cannot be warranted, either by Authority or Reaſon; and what tho *Cook* and the other Regicides and other Perſons did not take that Challenge, is it an Argument

Why the Regicides did not take that Challenge.

that

that they could not, or that they thought they could not? perhaps they had forgotten to do it, as much as the Judges in this Caſe had forgotten their Reſolution in *Fitzharris*'s Caſe; or perhaps they could not take it, their Jury being Freeholders; or perhaps it was to no purpoſe, they being tried in *Middleſex*, where a Jury of Freeholders would quickly be found. Nor is it an Argument that no Caſe of this Challenge at Common Law is to be found in the Books; for ſince the Statute of *Henry* the 5*th* to the time of Queen *Mary*, it could never be a Caſe, and from that time to this it could never be a Caſe in Felony: and the Law being ſo very plain, that if the Fact were with the Priſoner it was always allowed, if againſt the Priſoner it was diſallowed, not as not good in point of Law, but as not true in point of Fact; therefore the Challenge perhaps was not taken notice of in the Books, which only report Difficulties.

Publiſhing of Trials a late Practice for the benefit of the Publiſher.

It is true of late, and it is but of late Practice, the whole Tranſactions of a Trial are publiſhed for the benefit of the Publiſher, rather than for the common Good; and that indeed was the Motive of publiſhing *Fitzharris*'s Trial ſigned by *Fra. Pemberton*, and of *Colledge*'s Trial ſigned by *Fra. North*, and of my Lord *Ruſſel*'s ſigned by *William Prichard* Mayor, and Col. *Sidney*'s Trial ſigned by *George Jefferies*, and Mr. *Corniſh*'s Trial ſigned by *Thomas Jones*. And that is the reaſon, why ſince that Statute we find no Caſe of ſuch a Challenge in capital Matters, and before that Statute the Year-Books go but a little way.

It is enough there was no Reſolution that it was not a good Challenge, for it will be of the King's ſide to ſhew why that ſhould not be a good Challenge in Treaſon, which was in moſt if not in all other Caſes.

Various Opinions of the King, Counſel and Judges about the Challenge of no Freehold.

It is pretty to obſerve what ſteps were made in over-ruling this Challenge, ſome were of Opinion that it was no Challenge in any Caſe at Common Law; ſo ſaid the Attorny and Sollicitor General, the Chief Baron, Juſtice *Windham*, and Baron *Street*. The Chief Juſtice thought it no Challenge at Common Law in Treaſon or Felony only, but that the Statute of *Henry* the 5*th* made it a Challenge in Treaſon and Felony; but whether the Statute of *Henry* the 5*th* made it a Challenge in Treaſon, the Chief Baron and Juſtice *Windham* doubted. Juſtice *Jones* thought it no Challenge at Common Law in Treaſon; Juſtice *Levins* would not determine whether it was a good Challenge in any Caſe at Common Law, but he and Baron *Street* were clearly of Opinion it was not a good Challenge in *London*. The Chief Juſtice thought it a buſineſs of great Conſequence, not only for the Priſoner, but for all other Perſons: Baron *Street* thought the Judges had been very nice in the Matter, which in the Phraſe of the Law is giving themſelves a great deal of trouble in a matter very clear, or of no moment.

But tho they differ'd in their Reaſons, yet all agreed in this, and in this only, that tried he ſhould be, and that preſently.

Cuſtom of the City about Freeholders.

Then, as for the Cuſtom of the City of *London*, to try without Freeholders, how did it appear to the Judges that there was any ſuch Cuſtom? Did they ever read of any ſuch Cuſtom in the City of *London?* Nay, were not the Statutes which were cited, where no Freehold was made no Challenge in *London* in particular Caſes, as ſo many expreſs Reſolutions, that there was no ſuch Cuſtom in the City? for if there had been ſuch Cuſtom, what needed thoſe Statutes? To which the Judges never vouchſafed any Anſwer, becauſe in truth they could make no Anſwer.

But it was objected, there was the Reſolution in the City of *Worceſter*'s Caſe, which I agree was of as good Authority, and of no better than the Judgment in the principal Matter of the *Quo Warranto*. And it was likewiſe objected, there would be a Failure of Juſtice in Cities, if the Challenge were good for want of Freeholders.

A Failure of Juſtice pretended in the Caſe, examin'd.

I ask, would it have been a Failure of Juſtice at Common Law, or by reaſon of ſomewhat which hath happened of late Times? There is none who pretends to know any thing of the Hiſtory of *England*, that will ſay, that heretofore the Cities were not inhabited moſtly by the Gentry, and eſpecially the City of *London*; partly for Luxury, partly for their Security; and then there was no want of Freeholders in the Cities: but when matters became more quiet, and Trade encreaſed, and made Houſes in the Cities more valuable, then were Houſes of equal Convenience, and leſs Price, ſituate in the Suburbs, or in the Country; the Gentry by decrees parted with their Houſes in the Cities to Tradeſmen for Profit, and remov'd themſelves to other Places. And I believe it may be remembred, that even the *Strand*, in the memory of Man, could have furniſh'd the County of *Middleſex* with a ſufficient number

of Freeholders; and yet now, for the above Reaſons, you can hardly find a Jury of Freeholders there.

Beſides it muſt be remembred, that *London* heretofore had many of the King's Palaces in it, and the Countries did not then, as now, take up with Lodgings, but were Inhabitants of Houſes: and if the Failure of Juſtice happen by the above means, I am ſure it is againſt the Oath of the Judges to ſupply that Defect with their Reſolution; but it ought to have been ſupplied by an Act of the Legiſlative Power.

If the Neceſſity of the thing warrants the Judgment, how unlearned were the Judges in *Henry* the *7th* and *Henry* the *8ths* Times, that they did not ſupply the defect in Law in the City of *London*, and other Cities by their Reſolutions? How vain were the Parliaments in thoſe Times, who ſupplied thoſe defects in Law, mentioned in the Acts cited by thoſe Statutes, which were Works of time and trouble, if they had thought the Judges by their Reſolutions had Power to do it? for if they had Power to do it, they could have done it *extempore*, as in this Caſe.

The meaning of Probos & Legales Homines.

For the laſt Objection, that the Writ mentions only *Probos & Legales Homines*, and ſpeaks nothing of Freeholders; *Legales* may very well be interpreted, to imply Men qualify'd by Law; but I take it, that *Homines* implies it, for by *Homines de Comitatu* are meant Freeholders of that County; and all others, in point of Truſt, are not conſider'd in Law. My Lord *Coke* in his Comment upon the *28th* of *Eliz.* 1. *cap.* 8. which gives the Election of Sheriffs to the People of the County where the Sheriffwick is not in Fee, ſays, People there means Freeholders of the County; and the ſame is underſtood by Writs to the Counties to chooſe *Coroners*, *Verderors* and the like, tho the Writ ſays *per communitatem Comitatus*, *& de aſſenſu Comitatus.*

And tho the Writs of *Venire* in civil Matters, of late Days, mention what Freehold each Juror ſhall have, yet that is by the Statute of the 35 of *Hen.* 8: *cap.* 6. which expreſly commands the Writ ſhall ſo expreſs it, in all Iſſues join'd in *Weſtminſter*, to be tried between Party and Party: before which time it is plain, the *Venire*, even in civil Matters, did not expreſs any Freehold, and that Statute doth not extend to Iſſues joined on Indictments.

The Priſoner's Challenge ought to be allow'd, and the reaſon.

Now if upon all which hath been ſaid, it is not plain that the Challenge ought to have been allow'd, yet ſure it was doubtful; and if ſo, and a matter of great Conſequence, as the Chief Juſtice ſaid it was, why might not the Counſel for the Priſoner have had a little more time to have conſider'd of the Challenge before they had argued it, or the Judges have taken a little time to conſider the matter before they had given their Judgment? I dare ſay, none of them could remember any poſitive Reſolutions one way or other, nor upon a ſudden was it expected they ſhould; and therefore for their own ſakes, if not for the Priſoner's, they might have taken the Morning, if not the Day. The Priſoner deſired his Trial to be put off, for to have conſider'd of it; in that time perhaps ſome of them might have remembred, or others might have put them in mind of their Reſolutions in *Fitzharris*'s Caſe; they might have conſider'd how to diſtinguiſh between that Caſe and this, and not run away with it, that that Challenge was never made in Treaſon, as all the Judges affirm'd. But my Lord *Ruſſel* was told by the Court, that they always tried the Priſoner in Treaſon the Day he was arraign'd, and could not put off the Trial for a Morning without the Attorny General's Conſent; but ſurely that is not true, *Plunket* and *Fitzharris* were tried the Term after they were arraigned, tho the Attorny General oppos'd it. It is true, he ſubmitted to the Rule, as it was as much his Duty to do as the Priſoner's; but if there be a difference between an Arraignment at *Weſtminſter* and the *Old-Baily*, as to the ſpeeding the Trial, the Place will not vary the reaſon of the thing, if there be not any Law for it, as there is not; but even at the *Old-Baily*, the Trial in Treaſon hath been put off to another Seſſions, it was done in *Whitebread*'s Caſe, and in many other Caſes. If it be ſaid that was by the Attorny General's Conſent, I ſay that makes no difference, for the Judg is to be indifferent between the Attorny General and the Priſoner. If the Court muſt order nothing but what the Attorny aſſents to, why is not the Priſoner try'd and judg'd by the Attorny alone? or what needs all the Formality of a Trial, if it be ſaid that that Trial was put off, becauſe the King's Witneſſes were not ready? I ſay there is the ſame Reaſon to put off a Trial, becauſe the Priſoner's Witneſſes are not ready, and that was the pretended, tho not the true Reaſon of putting off *Fitzharris* his Trial to another Term, and there is no Law to the contrary.

Or have time to conſider of it.

Plunket *and* Fitzharris *try'd the Term after their Arraignment.*

It

It is totally in the Diſcretion of the Judges to put off a Trial, which Diſcretion ought to be govern'd by Reaſon. *Judges may put off Trials at Diſcretion.*

But indeed this was extraordinary and without any Precedent: it can never be ſhewn in the Caſe of the greateſt or meaneſt Perſons, being accus'd of the greateſt or leaſt Crime, that ever the delay of a Day, much leſs of a Morning, for his Trial was denied, where he ſhew'd but any Colour for what he ſaid, when the Seſſions were to continue after the time he deſir'd, as in this Caſe it did. *Fitzharris* ſaid his Witneſſes were in *Holland*, and tho he nam'd no Perſons, yet his Trial was put off to the next Term; my Lord *Ruſſel* ſaid his Witneſſes could not be in Town till that Night, yet the Reſpite till next day was deny'd: all Perſons agreed, that there was ſome extraordinary Reaſon for it, and before the Trial was over the Riddle was out. *Why the Priſoner's Trial was not put off till next day.*

My Lord of *Eſſex* was kill'd, or to be kill'd that Morning; as to this Matter it is not material whether by his own or another's Hand: they were ſenſible the Evidence againſt my Lord *Ruſſel* was very defective, and that Accident was to help it out, but that would not avail unleſs it were a ſurprizing matter upon the Jury; ſhould the Jury have had a Day's or but a Morning's time to conſider of it, People might have been talking with the Jury. It was very material to ask, what influence that Accident would have on my Lord *Ruſſel*'s Trial, whether it was any Evidence againſt him: they might have been told what was true, that no Perſon kill'd was in Law ſuppos'd to have kill'd himſelf, till a Coroner's Inqueſt had ſat upon the view of his Body, and found it ſo; and if it had been ſo found, yet even that had been no Evidence againſt another, becauſe the Coroner's Inqueſt never found the reaſon why a Man kill'd himſelf; and if they ſhould find the reaſon, yet even that was no Evidence againſt another, becauſe that other was never call'd before the Coroner's Inqueſt to make his Defence. They might have been told a great many Circumſtances of the Improbability of the killing himſelf; they might have obſerv'd that the King's Counſel were ſo far ſenſible, that it was no Evidence againſt my Lord *Ruſſel*, that they never attempted to prove the Earl of *Eſſex* was dead or kill'd himſelf: it was only ſlily inſinuated, together with the reaſon of it which had its Effect, if the report be true of ſome of the Jurymens ſaying it went farther with them than all the Evidence of the Witneſſes produc'd; and if that be true, there was a reaſon, tho not a juſt one, for ſpeeding that Trial beyond the ordinary Methods of Trials at the *Old-Baily*. *Earl of Eſſex kill'd that Morning.* *What Influence it had on the Trial.* *Prevail'd more with the Jury than all the Witneſſes.*

But tho my Lord *Ruſſel* had ſeemingly leſs favour in that Matter than any other Perſon, even than *Colledge*, who had the reſpite of two or three hours between his Arraignment and Trial, (tho that was not in favour to *Colledge*, but only to examine his Papers which they took from him, and inſtruct their Witneſſes accordingly) yet in other things he had more Favour or Juſtice done him: his Papers were not taken from him; it was agreed to be his Right to uſe them without queſtioning from whom he had them, what they were, or the like, as in *Colledge*'s Caſe was done; he had a Copy of the Pannel of the Jury, even before his Arraignment, given him; and the Chief Juſtice ſaid it was never denied in caſe of Life that he knew of, which was denied *Colledge* before he pleaded; becauſe then 'twas pretended there was no Iſſue join'd, till *Plea pleaded*, after which the *Venire* is awarded; tho all Men know, that the Sheriff ſummons the Jury before the Arraignment, and even after Iſſue join'd. *Colledge* was denied a Copy of the Pannel, only he was told, he ſhould look every Juryman in the Face before he was ſworn; and as far as the looks of a Man betrays him, he ſhould be ſatisfy'd whether he was honeſt or not, which is an ill way of judging; for I think the Perſon that gave that Rule, would have deceiv'd any Man by his Countenance, who had known his Practices. Colledge *had more favor in ſome things than the Priſoner, in others not.* Colledge *deny'd a Copy of the Pannel.*

But ſays the Attorny General, in my Lord *Ruſſel*'s Caſe it was matter of Favour, and not of Right, therefore no Injuſtice to *Colledge*. I confeſs of all Men who ever came to the Bar, he hath laid down the moſt Rules, which depend totally upon the Authority of his own ſaying; in *Colledge*'s Caſe he affirm'd, that the King's Witneſſes ought not to be kept out of the hearing of each other, when they gave their Evidence (a method us'd in civil Matters, the reaſon of which is well known, and none can ſhow any Law or Reaſon why it ſhould not be us'd in capital Matters) with as much Reaſon and Authority as what now ſaid. *Attorny General's Arbitrary Rules.*

Firſt I do affirm there is no Authority in Law, which ſays a Priſoner ſhall not have a Copy of the Pannel; in the next place I affirm, that after a Jury ſtruck in a civil Matter, each Party ought to have a Copy of the Pannel, in order to provide himſelf of a Challenge, if there be any Cauſe: In the laſt place, I affirm, that by Law more Favour is allow'd a Defendant in a capital Matter to defend himſelf, than

than in a Civil. And if theſe Propoſitions be true, let any Perſon if he can make out the Law, or Reaſon of the above Aſſertions.

The Priſoner is deny'd a Copy of the Matter of Fact laid againſt him.

Of a like ſtamp was the ſaying, when my Lord deſir'd a Copy of the Matter of Fact laid againſt him, of the Attorny that he had notice of it; for Queſtions were put to him about it, and he was with his Lordſhip himſelf, and examin'd him upon thoſe Queſtions, which was a Favour to him, that he might know what the Matter was he was accus'd of.

I do not affirm that ever it was practis'd, to give the Priſoner a Note of the Fact, to be given in Evidence againſt him, proving Treaſon, or that it was ever denied till then, nor do I know of any Law *pro* or *con* in the Caſe; but if one would judg by Reaſon or Practice in parallel Caſes, I think it ought not to be deny'd.

Two ſorts of Indictments for Treaſon & Barretry.

I know not at preſent of more than two ſorts of general Indictments, and thoſe are of Treaſon and Barretry; the laſt is a general Indictment, for ſtirring up Suits without Reaſon, and without mentioning any Suit in particular: and therefore if by the Rule of Court the Defendant was not help'd, which obliges the Proſecutor to give the Defendant, ſome reaſonable time before the Trial, a Note of what Suits he intends to give in Evidence againſt him, it was impoſſible for the Defendant to eſcape, if it had been his misfortune to have had five or ſix Suits.

The Priſoner ought to have notice of the Matter of Fact.

For I never yet ſaw a Witneſs produc'd againſt the Indicted, but he would ſwear the Indicted brought an Action againſt him without Reaſon; and yet I have often ſeen, that the Indicted having had notice, that that was one of the Suits he was intended to be charg'd with, hath been able to prove that he had good, or at leaſt probable Cauſe of Suit, which he could not have done if he had not notice. And in Treaſon, for deſigning to kill the King, there have been ſo many Interpretations of Facts tending that way, that it is almoſt impoſſible for an Innocent to defend himſelf, unleſs he had notice of the Fact intended to be inſiſted on at the Trial.

The Privilege of the City of London, *that one may be a Juryman tho no Freeholder, conſider'd.*

There are yet ſome Expreſſions which mightily puzzle me: the King's Counſel ſaid in the Argument of the Challenge, that they would not have the Point of being a *Juryman*, tho not a Freeholder, loſt to the City of *London*; and one of the Judges ſaid, 'twas the Privileges of the City were ſtruck at in that Point. If by thoſe Expreſſions be meant, that it is for the benefit of the Publick that there ſhould be no failure of Juſtice, I agree to it; but if it be meant that it is for the benefit of the Citizens to be *Jurymen*, I deny it: and I think nothing ſhews it plainer, than that it is a Privilege that a Citizen ſhall not be drawn out of the City to be a *Juryman*; that a Nobleman ſhall not be on a *Jury*; that it is a Matter of Prerogative in the King, and Favour to a particular Perſon, to grant him a Charter of Exemption from being on a *Jury*. So that if I conſider the Law, I know what is meant by thoſe Expreſſions; if I conſider allow'd Practice, it is true a *Juryman* may earn his Eight-pence for a Trial; but that is too inconſiderable pay for Perſons of Subſtance, as the *Jurymen* in this Caſe were ſaid to be, to be fond of the Employ, or to account it a Privilege. Yet even that was but in Civil Matters; in Criminal Matters, not Capital, the *Jury* were heretofore paid if they acquitted the Defendant, but not if they found him guilty; tho of late it hath been practis'd to give them more, and treat them higher if they convicted the Defendant, than if they acquitted him: But in Capital Matters, as the Caſe in queſtion was, it was never allow'd, or at leaſt own'd to pay the *Jury*, be the Verdict which way it would.

Col. Rumſey's *Evidence.*

Having ſpoken to the *Preliminaries*, I proceed to the Trial, wherein Col. *Rumſey* was firſt produc'd: he ſaid, he was ſent by my Lord *Shaftsbury* about the end of *October*, or beginning of *November*; who told him, he ſhould meet at one *Sheppard*'s the Duke of *Monmouth*, Lord *Ruſſel*, Lord *Gray*, Sir *Thomas Armſtrong* and Mr. *Ferguſon*, to know of them what Reſolution they were come to about the Riſing of *Taunton*: *Sheppard* carry'd him where they were, and anſwer was made, Mr. *Trenchard* had fail'd them, and there would be no more done in the Matter at that time; thereupon the Lord *Shaftsbury* took a Reſolution to be gone: Mr. *Ferguſon* ſpoke moſt of the Meſſage, and he thought the Lord *Gray* ſpoke ſomething to the ſame purpoſe; he did not know how often he had been at that Houſe, he was there more than once, or elſe he heard Mr. *Ferguſon* make a Report of another Meeting to the Lord *Shaftsbury*, my Lord *Ruſſel* was in the Room, and that was all they ſaid at that time that he remembred, he was not there above a quarter of an hour. There was ſome diſcourſe about ſeeing in what poſture the Guards at the *Mews* and *Savoy* were in by all the Company, to know how to ſurprize them if the Riſing had gone

on;

on; Sir *Thomas Armſtrong* and Mr. *Ferguſon* began, all debated it; he thought the Duke of *Monmouth*, the Lord *Gray*, and Sir *Thomas Armſtrong*, were ſent to view them; the Riſing was appointed to be the 19*th* of *November*; he was ſpoke to by the Lord *Shafsbury* to go to *Briſtol* if the Riſing had gone on, but in what Quality was not determin'd: The Lord *Ruſſel* agreed to the Debate. Being ask'd if my Lord *Ruſſel* ſaid any thing there, and what; he anſwer'd, My Lord *Ruſſel* ſpoke about the Riſing at *Taunton*: Being ask'd what my Lord *Ruſſel* ſaid, he anſwer'd, My Lord *Ruſſel* diſcourſed of the Riſing; being ask'd if my Lord gave his Conſent to the Riſing, he ſaid he did.

Mr. Sheppard's *Evidence.*

The next Witneſs was Mr. *Sheppard*, who ſaid, In *October* laſt Mr. *Ferguſon* came to him in the Duke of *Monmouth*'s Name, and deſir'd the conveniency of his Houſe for himſelf and ſome Perſons of Quality, which he granted. In the Evening the Duke of *Monmouth*, Lord *Gray*, Lord *Ruſſel*, Sir *Thomas Armſtrong*, Col. *Rumſey*, and Mr. *Ferguſon* came, not all together, but the one after the other. Sir *Thomas Armſtrong* deſir'd, that none of his Servants might come up, and that they might be private; ſo what they wanted he went down for, a Bottle of Wine, or ſo: the ſubſtance of the diſcourſe was, to ſurptize the King's Guards; and in order to it, the Duke of *Monmouth*, the Lord *Gray*, and Sir *Thomas Armſtrong*, went one Night, as he remembred, to the *Meuſe*, or thereabouts, to ſee the Guards; and the next time they came to his Houſe, he heard Sir *Thomas Armſtrong* ſay, the Guards were very remiſs in their places, and not like Soldiers, and the thing was feaſible if they had but ſtrength to do it: he remembred but two Meetings there; they came in the Evening; he neither heard nor ſaw any Coaches at his Door: When they came in, as he remembred, the Lord *Ruſſel* was both times there; he had no buſineſs with the Lord *Ruſſel*, nor the Lord *Ruſſel* with him at that time, but ſince he had: He did not remember Col. *Rumſey* diſcourſ'd the Lord *Ruſſel* about any private Buſineſs, nor remember'd any farther diſcourſe; he remember'd no Writings nor Papers read at that time: upon recollection he remember'd one Paper read by Mr. *Ferguſon* in the nature of a Declaration, ſetting forth the Grievances of the Nation, the Particulars he could not tell; it was a pretty large Paper, it was ſhew'd for Approbation as he ſuppos'd, when to be ſet out was not diſcours'd; 'twas ſhew'd to Sir *Thomas Armſtrong*, and as he remember'd the Duke of *Monmouth* was preſent, and he thought Col. *Rumſey* was preſent: Col. *Rumſey* ſaid, he was not preſent, it was done before he came. Mr. *Sheppard* went on and ſaid, the deſign of the Paper was in order to a Riſing, as he ſuppos'd by the Purport of it; he would not ſay the Lord *Ruſſel* was there when that Paper was read, but he was there when the talk was about ſeizing the Guards; he could not be poſitive as to the times of thoſe Meetings, but it was when the Lord *Shaftsbury* was abſent from his Houſe, he abſented about *Michaelmas* day; he could not be poſitive that my Lord *Ruſſel* was at both Meetings; he thought he was at both, he was ſure he was at one.

Lord Howard's *Evidence.*

The laſt Witneſs was the Lord *Howard*. He ſaid he brought Captain *Walcot* acquainted with the Lord *Shaftsbury*; and upon his account Captain *Walcot* ſoon gain'd a confidence with the Lord *Shaftsbury*: *Walcot* told him, the People were ſenſible all their Intereſt was going to be loſt by the Violence offer'd to the City in the Election of Sheriffs, and that they were reſolv'd to take ſome courſe to put a ſtop to it: that there were ſeveral meetings about it, and ſome Perſons began to prepare to act; that ſome had good Horſes, and kept them in private Stables, and he reſolv'd to be one in it: He having an Eſtate in *Ireland*, he diſpatch'd his Son thither, and order'd his Son to turn his Stock into Mony; the Son went about *Auguſt*: that the 30*th* of *September Walcot* din'd with him; told him, that the Lord *Shaftsbury* was ſecreted, and deſir'd to ſpeak with him: *Walcot* brought him to the Lord *Shaftsbury*, who complain'd of the Duke of *Monmouth* and the Lord *Ruſſel* for deſerting him; but there was ſuch preparation made in *London*, that now he was able to do it of himſelf, and intended to do it ſuddenly; he had above 10000 brisk Boys ready to follow him when he held up his Finger, they would poſſeſs themſelves of the Gates, and in twenty four hours they would multiply to five times the number, and would be able to poſſeſs *Whitehall* by beating the Guards. The Lord *Howard* went to the Duke of *Monmouth*, told him the Lord *Shaftsbury*'s Complaint, who ſaid, the Lord *Ruſſel* and he told the Lord *Shaftsbury* from the beginning, that there was nothing to be done by them in the Country at that time. The Matter of the Diſcourſe between him and the Duke of *Monmouth*, him and the Lord *Shaftsbury*, and him and *Walcot*, is too tedious to relate, and as little to the purpoſe, if the Jury had underſtood Matter of Law which they did not; in it he takes care to ſhew what

what Confidence my Lord *Shaftsbury* had in him, more than in the Duke of *Monmouth* or the Lord *Ruſſel*; how very cautious he was, and how precipitate the Lord *Shaftsbury* was, and that what he told the Duke of *Monmouth* the Duke told the Lord *Ruſſel*; and he heard the Lord *Ruſſel* had been with the Lord *Shaftsbury*, and put off the intended Riſing. At which the Lord *Ruſſel* interrupted him, and ſaid, he thought he had very hard meaſure, there was a great deal of Evidence given by hearſay only: Whereupon the Chief Juſtice ſaid, it was nothing againſt the Priſoner; he declar'd it to the Jury, but the Attorny General bid the Lord *Howard* go on in the method of Time, and that it was nothing againſt the Priſoner, but the Witneſſes were coming to it if his Lordſhip would have patience, he aſſur'd him ſo. The Lord *Howard* went on where he left off, with a ſtory between him and *Walcot* of an intended Riſing, and of ſome dark Sayings let fall by *Walcot* and the Lord *Gray*, importing a Deſign upon the King's Perſon; but the Lord *Howard* was very careful to put all off, but at laſt it was reſolv'd to riſe on the 17*th* of *November*: But the Lord *Howard* fearing it had been diſcover'd, becauſe he ſaw a Proclamation a little before forbidding Bonefires without the Lord Mayor's leave, that of the 17*th* of *November* was alſo diſappointed, and the Lord *Shaftsbury* went away and died; but conſidering they had gone ſo far that it was not ſafe to retreat, and likewiſe that ſo great an Affair as that, conſiſting of ſuch infinite Particulars, was to be manag'd with ſo much fineneſs, they erected a Cabal of ſix Perſons, the Duke of *Monmouth*, Lord of *Eſſex*, Lord *Ruſſel*, Mr. *Hamden*, *Algernon Sidney*, and himſelf, about the middle of *January* laſt; and about that time they met at Mr. *Hamden*'s Houſe, where it was conſider'd whether the Inſurrection ſhould be in *London*, or in a place diſtant; what Countries and Towns were fitteſt and moſt diſpos'd to Action; what Arms neceſſary to be provided; how to raiſe twenty five or thirty thouſand Pounds, and how they might ſo order it as to draw *Scotland* into a Conſent with them.

The Priſoner one of the ſix of the Cabal. Meet at Mr. Hamden's.

About ten days after they met at the Lord *Ruſſel*'s Houſe, and then reſolv'd to ſend ſome Perſons into *Scotland* to the Lord *Argile*, to invite ſome Perſons hither to give an Account of that Kingdom; the Perſons to be invited were Sir *Jo. Cockram*, Lord *Melvil*, Sir *Campbel*; that Matter was refer'd to Col. *Sidney*, who told him he had ſent *Aaron Smith*; they agreed not to meet again till the return of the Meſſenger: The Meſſenger was gone about a month, it was ſix Weeks or more before he return'd, and then his Lordſhip was forc'd to go into *Eſſex*, where he had a ſmall Concern; there he ſtaid three weeks, and when he return'd, he was inform'd Sir *John Cockram* was come to Town, and afterwards he was forced to go to the *Bath*, where he ſpent five weeks; and from that time to this was five weeks, all which time was a Parentheſis to him; and that he and the five mention'd erected themſelves by mutual Agreement into that Society.

Then at the Priſoner's.

Send into Scotland.

Atterbury ſwore *Campbel* was in his Cuſtody: then Col. *Rumſey* was ask'd, whether my Lord *Ruſſel* heard him when he deliver'd his Meſſage to the Company, and in what place of the Room the Company were: who anſwer'd, that when he came in, they were ſtanding by the Fire-ſide, but all came from thence to hear him; and when my Lord *Ruſſel* ſaid Col. *Rumſey* was there when he came in, *Rumſey* ſaid, No, the Duke of *Monmouth* and Lord *Ruſſel* went away together.

Atterbury's *Evidence.*

Then in behalf of my Lord *Ruſſel* the Earl of *Angleſey* was examin'd, who ſaid, that viſiting the Earl of *Bedford*, the Lord *Howard* came in and told the Earl of *Bedford*, that his Son could not be in ſuch a Plot, or ſuſpected of it; and that he knew nothing againſt the Lord *Ruſſel*, or any body elſe, of ſuch a barbarous Deſign: And he was going on again with what the Lady *Chaworth* had told him, but was interrupted by the King's Counſel, telling him, as the Court would not permit them to give Hear-ſay in Evidence againſt the Priſoner, ſo they muſt not permit his Lordſhip to give Hear-ſay in Evidence for the Priſoner.

Earl of Angleſey's *Evidence for the Priſoner. Is interrupted by the King's Counſel.*

Mr. *Howard* ſaid, that the Lord *Howard* took it upon his Honour, and his Faith, he knew nothing of any Perſon concern'd in that Buſineſs, and not only thought my Lord *Ruſſel* unjuſtly ſuffer'd, but he took God and Man to witneſs, he thought my Lord *Ruſſel* the worthieſt Man in the World.

Mr. Howard's *Evidence for the Priſoner.*

Dr. *Burnet* ſaid, the Lord *Howard* was with him, and he did then, as he had done before, with Hands and Eyes lift up to Heaven, declare, he knew nothing of any Plot, nor believ'd any, and treated it with great Scorn and Contempt.

Dr. Burnet's *Evidence.*

The Lord *Cavendiſh* teſtify'd as to the Life and Converſation of the Lord *Ruſſel*, and thence concluded, it was not likely he ſhould be guilty of any ſuch Matter, and

Lord Cavendiſh.

and heard the Lord *Ruſſel* ſpeak of *Rumſey*, as if he had an ill Opinion of him, and therefore it was not likely he ſhould truſt him. Dr. *Tillotſon* ſpoke of his Converſation. Dr. *Burnet* and Dr. *Cox* ſpoke of his Converſation, and of his Averſneſs to all Riſings. Dr. *Cox* teſtify'd, that my Lord *Ruſſel* ſaid the Lord *Howard* was a Man of luxuriant Parts, but he had the luck not to be truſted by any Party. The Duke of *Somerſet* ſpoke of the Lord *Ruſſel*'s Converſation. The Lord *Clifford*, Mr. *Leveſon Gore*, Mr. *Spencer*, and Dr. *Fitzwilliams* ſpoke of the Lord *Ruſſel*'s Converſation. The Lord *Howard* being ask'd by the Jury what he ſaid to the Earl of *Angleſey*'s Evidence, own'd what the Earl ſaid, but he did it to outface the Matter; and if he ſaid untrue, he ought not to be believ'd on his Oath, and inſinuated, that he meant what he ſaid to be meant of a Deſign of murdering the King, which he did not believe the Duke of *Monmouth* or the Lord *Ruſſel* guilty of.

Dr Tillotſon's. *Dr Cox's.* *Duke of Somerſet's and others.*

This being the ſum of the Evidence given againſt, or for my Lord *Ruſſel*, let us conſider how far it will juſtify the Verdict given againſt him: firſt conſider the Improbability of *Rumſey*'s Evidence, if my Lord *Cavendiſh* ſaid true, that he ſhould truſt *Rumſey* to hear the debate about ſeizing the Guards, when the Lord *Ruſſel* had an ill Opinion of *Rumſey*. As for *Rumſey*'s delivering the Meſſage, there was no great Matter in that, it is impoſſible to hinder Peoples ſpeaking, and it is not Treaſon to conceal what's ſaid; beſides it was well known, it was *Rumſey*'s way to talk extravagantly, in order to accuſe thoſe that heard him, if they did not diſcover it. But beſides the Improbability of the Evidence in reſpect of the Perſon, the manner of delivering the Evidence, and the Evidence it ſelf was ſuch as carry'd no Colour of Truth with it: he ſaid he deliver'd his Meſſage, and had an Anſwer to it, and being ask'd what the Company ſaid further, anſwer'd, that was all that was ſaid at that time that he remember'd, and gives a very good Reaſon for it, for he ſtay'd not above a quarter of an hour, and added that he was not certain whether he then heard ſomething of a *Declaration* there, or whether Mr. *Ferguſon* reported it to my Lord *Shaftsbury*, that they had debated it; and yet when *Sheppard* ſaid *Rumſey* was there when the *Declaration* was read, he deny'd it, and ſaid it was read before he came in. Being ask'd to what the *Declaration* tended, he anſwer'd to another Matter, *viz.* that there was ſome diſcourſe about ſeeing what Poſture the Guards were in, and ſaid that all the Company debated it; and being drawn on by Queſtions, ſaid it was in order to ſeize the Guards, if the Riſing had gone on. Now how doth that Part of the Evidence agree with what he ſaid before, that there was nothing more ſaid than the delivering his Meſſage, and the Anſwer to it? and how doth it agree with the time he ſaid he ſtay'd, which was not above a quarter of an hour? whereas that debate, if all the Perſons preſent being ſix debated it, as he ſaid they did, it would certainly have taken up a larger time. How does the firſt and laſt part of his Evidence agree, when he ſaid, my Lord *Ruſſel* agreed to the Anſwer of his Meſſage? and being ask'd whether and what he ſpoke to it, ſaid, he ſpoke about the riſing at *Taunton*, but doth not ſay what; and yet in the firſt part of his Evidence he ſaid, when ask'd who ſent the Meſſage back, Mr. *Ferguſon* deliver'd the Anſwer, the Duke of *Monmouth* and the Lord *Ruſſel* were preſent, and he thought the Lord *Gray* ſaid ſomething to the ſame purpoſe. But what Credit could be given to any part of a Man's Evidence, whoſe Memory was ſo ſhallow, that he could not remember whether he was at two Meetings, or whether Mr. *Ferguſon* related one of them to the Lord *Shaftsbury*? yet both were ſuppos'd to be within the Compaſs of a year, whereas a Man of Senſe is ſuppos'd to remember all his own Acts for ſeven years paſt, which is the Reaſon why the Chancery obliges a Man to anſwer as to his own Acts poſitively for ſeven years, without ſaying as he believeth, or as he remembreth, or the like. What Credit is to be given to a Witneſs who teſtifieth what was ſaid in company, and by whom, when his Memory doth not ſerve to anſwer poſitively, whether he was in the Company, or whether another told him what was there ſaid? he might as well have ſaid he was there, or dreamt he was there, or that he heard the Diſcourſe or dreamt of it, which had carry'd equal Credit with it.

The Evidence againſt the Priſoner conſider'd. *Rumſey's Evidence diſprov'd.*

It was plain, the Man was not of ſane Memory enough to make a Will, much leſs to be a Witneſs in the Trial of a Man's Life; and nothing can be ſaid for him, but that he was a Witneſs for the King, that is to ſay, a mad Man may be a Witneſs to take away a Man's Life, which is as good Law as a great deal of other *Cant* vented as a part of the Prerogative.

It is true one of the King's Counſel recommends *Rumſey* to the Jury, as a very credible Witneſs under the notion of an unwilling Witneſs: but had the ſame Perſon been a Counſel for the Priſoner, he would have call'd *Rumſey* a dancing Witneſs,

neſs, for he ſaid backwards and forwards; and an amaz'd Witneſs, for being ask'd one thing, he anſwer'd another; being ask'd as to the *Declaration*, he anſwer'd to the ſeizing of the *Guards*; being ask'd whether my Lord *Ruſſel* aſſented to the Anſwer of the Meſſage, he reply'd yes, becauſe he talk'd of the Riſing, *&c.* which might be as well againſt as for it.

Sheppard's Evidence examin'd.

Sheppard's Evidence was to the Deſign of ſeizing the *Guards*, and as to the *Declaration*, he remember'd but two Meetings, at both which he ſaid, as he remember'd, my Lord *Ruſſel* was preſent, but he could not be poſitive in that, and the times of the *Meetings* he did not remember: he ſaid, the ſubſtance of the Diſcourſe was, how to ſurprize the King's *Guards*, and that the Duke of *Monmouth*, the Lord *Gray* and Sir *Tho. Armſtrong* went to ſee the *Guards*, as he remember'd; and the next time they came to the Houſe, Sir *Tho. Armſtrong* ſaid, the *Guards* were very remiſs, *&c.* Taking this *Evidence* by it ſelf, without tacking *Rumſey*'s Evidence to it, it was ſo far from being *Evidence* of Treaſon, that it was no Crime; for he doth not ſay, it was intended to be put in practice, notwithſtanding all ſaid by him; both the Diſcourſes and the Perſons viewing the *Guards* (which laſt was not *Evidence*, nor ought to have been given in *Evidence*) might be a *Matter* to try each others Judgments, as well as an *Evidence* of a thing deſign'd: and if it be capable of two Interpretations, the Law hath ſaid, it ſhall be taken in *mitiore ſenſu*, in favour of *Life*; that diſtinction was taken by the Chief Juſtice in *Blague*'s Caſe, the day after this Trial, where the Evidence againſt him was a Diſcourſe about taking the Tower, as high a Crime as ſeizing the Guards; and upon that *Blague* was acquitted. It is true *Rumſey* ſaid it was in order to be put in practice, when the Riſing ſhould be in the Country, but that he did not ſay at firſt; but was afterwards led to it by queſtions; nor did he ſpeak it as a thing at that or at any other time determin'd, but as his own ſurmiſe or gueſs, becauſe he knew of an intended Riſing. Yet how fooliſhly did he contradict himſelf? for ſays *Rumſey* it was to have been put in practice, if the intended Riſing had gone, and yet at the ſame Meeting he had ſaid before, the Riſing was put off: how contradictory therefore is it to ſay they made Preparations for a thing they had laid aſide before? And it is plain *Sheppard* ſpeaks of the ſame time; for both agree, *Rumſey* was at that Meeting, tho they do not agree how ſoon he came: beſides, how could *Sheppard* ſpeak poſitively of the Diſcourſe, or of the Deſign of it, when he owns he did not hear all their Diſcourſe, and gives a very good Reaſon for it? for he ſaid he went ſeveral times down to fetch Wine, Sugar and Nutmeg, and did not know what was ſaid in his Abſence: he ſaid he heard nothing about a Riſing, nor heard any further diſcourſe; but on recollection, he heard ſomething about a Declaration of Grievances in order to a Riſing, as he ſuppos'd, the Particulars he could not tell. Now what ſort of Evidence was that? In all civil matters, a Witneſs ſhall not be permitted to give Evidence of the Content of a Deed or Writing without producing the Deed or Writing it ſelf, or a true Copy of it, and upon very good Reaſon; for he may make an untrue Conſtruction of it. I remember a Witneſs who ſwore to the Content of a Deed of Intail, and being ask'd whether he knew a Deed of Intail, and by what he knew the Deed he ſpoke of to be a Deed of Intail, anſwer'd he knew a tailed Deed very well, and he knew the Deed he ſpoke of to be a tailed Deed, becauſe it had a Tail half as long as his Arm, meaning the Label of the Deed. And if this be the Practice and the Reaſon of the Practice in civil Matters, ſhew me any Authority or Reaſon any thing ſhould be permitted to be given in Evidence in Treaſon, which is not permitted to be given in Evidence in the Trial of any civil Matter.

Contradictions in it.

Such inſignificant Evidence not allow'd in Civil Matters.

The Difficulty of proving Treaſon.

If you ſay, as Juſtice *Levins* ſaid in a like Caſe in *Colledge*'s Trial, that it would be the difficulteſt thing in the World to prove Treaſon againſt a Man, if the Law were not ſo, and the King would in no ſort be ſafe; on the other hand I ſay as *Colledge* there ſaid, if the Law ſhould be ſo, no private Perſon is ſafe: and if there be Miſchief of either hand, the Law is and muſt be Judg, which hath taken care (tho to no purpoſe, becauſe it hath not been obſerv'd) that there ſhall be a ſtricter Proof in Treaſon than in any civil Matter, or in any other Crime: and how the Judges came to permit that looſe Evidence in Treaſon to be given, which of late years they have done, no juſt or honeſt Account can be given.

Ld Howard's Evidence conſider'd.

The laſt material Witneſs againſt my Lord *Ruſſel* was my Lord *Howard* (as for *Atterbury*'s Evidence, it ought not to have been permitted to be given, as ſhall be ſhewn, nor was it material) to no part of whoſe Evidence any Credit ought to be given, even by his own Confeſſion: he was ſurely in the right, when he ſaid that the Religion of an Oath is not ty'd to a Place; and I'll add, not to a Form, but receives

ceives its Obligation from the Appeal therein made to God; and therefore if he ſaid (tho I own he was not bound to ſay it) to the Earl of *Bedford*, Mr. *Howard* and Dr. *Burnet*, what was teſtify'd againſt him, he ought not to be believ'd in any part of his Evidence. Did he ſay true to my Lord *Bedford*, when unſent for and unask'd (for ought appears after my Lord *Ruſſel* was clapt into the Tower) that ſure his Son could never be in any ſuch Plot as that, or ſuſpected for it, and that he knew nothing againſt him, or any body elſe, of ſuch a barbarous Deſign; and yet he kne if he ſwore true that my Lord *Ruſſel* was guilty of ſuch a barbarous Deſign, that nothing but the Lord *Howard*'s Duty to God, the King and the Country, could prevail with him to give it in Evidence againſt a Perſon for whom he had ſo great an Affection as he had for my Lord *Ruſſel*. How was it conſiſtent with the truth of his Evidence what he ſaid to Mr. *Howard*, that he knew nothing of any Man's being concern'd in that buſineſs, and particularly of my Lord *Ruſſel*, whom he highly commended, and ſaid he thought the Lord *Ruſſel* unjuſtly ſuffer'd; or with what he ſaid to Dr. *Burnet* with Hands and Eyes lift up to Heaven, which is as much an Appeal to God as may be, that he knew nothing of any Plot, nor believ'd any? It was an idle Evaſion to ſay, when he ſpoke of my Lord *Ruſſel*, he meant my Lord *Ruſſel* was not guilty of the Deſign of murdering the King (for which that Man, as he ſaid, was committed, meaning *Walcot*, the Lord *Ruſſel*, or any other Perſon) for he is ſtill at liberty to explain himſelf, and I am apt to think they were all committed by Warrants of the ſame Form. I know not how dextrous he is at paring an Apple, but he muſt be an excellent *Logician* that can reconcile the truth of his Evidence and Sayings. The truth is, a Man that has thoſe Niceties in his Head ought to have no Credit; for no Man knows whether he underſtands what he ſays aright, and I am apt to think his Lordſhip could ſhew, that he did not intend what he ſaid at my Lord *Ruſſel*'s Trial in the Senſe it was underſtood by the Court or Jury. To ſay, that he was to outface the thing for himſelf and his Party, was as vain (for beſides that I think he was of no Party, becauſe, as my Lord *Ruſſel* ſaid, he had the luck to be truſted by none) Where was the Senſe of making thoſe Proteſtations to Perſons who could do him no good, and would do him no harm, both which my Lord *Pemberton* could; and therefore 'twas not alike? It is true, the Attorny General commends the Lord *Howard* as a Perſon of great Credit amongſt the Party, and inſinuates the Lord *Gray* was left out of the Cabal for his Immorality, and the Lord *Howard* was taken in his place. But to paſs from the General of his Evidence to the Particulars of it, for about two leaves in the Print of it; it is a diſcourſe between my Lord *Shaftsbury* and *him*, wherein he makes my Lord *Shaftsbury* have a wondrous Confidence in him, and diſcovers all the Deſign to him, and what number of Men he had at Command; but who they were, or what they were, was never yet diſcover'd, and yet the Lord *Howard* had not at that time been concern'd in the Matter, nor did then aſſent: he very prudently was reſolv'd to ſee whether it was likely to take effect or not before he would enter on it. It was indeed a Matter of great Wonder to thoſe who knew my Lord *Shaftsbury*, and knew what Opinion he had of the Lord *Howard* from the time he diſcover'd that the Lord *Howard* frequented the Dutcheſs of *Portſmouth*, which was before *Fitzharris* his Trial (tho after that Trial the Matter was publickly own'd, which was before ſuſpected by moſt known to the Lord *Shaftsbury*) that he ſhould ſo readily truſt the Lord *Howard* with the ſecret, who was unconcern'd in the management before, as he ſays himſelf, and yet ſecreted himſelf from the Duke of *Monmouth* and my Lord *Ruſſel*, who were equally guilty, if what was ſworn was true. I cannot but obſerve that in all the time of the Lord *Shaftsbury*, the Lord *Howard* was no otherwiſe concern'd in the pretended Deſign, but in raiſing Difficulties, and being in great fear leſt there ſhould be a Riſing or an Attempt upon the King's Perſon: and if he ſaid true, he was the Man that put off the intended Riſings, and likewiſe the intended Deſign on the King's Perſon, in ſo much that I think he was ſo far from ſtanding in need of a Pardon for Treaſon, that he deſerv'd a conſiderable Reward, if it were for nothing elſe than for his fearing the Deſign was diſcover'd by the *Proclamation* againſt Bonefires, which, as he ſaid, put off the Riſing intended to be the 17*th* of *November*; and yet he and others being afraid, the middle of *January* they erected themſelves into a Cabal of ſix Perſons, of which there is but one Perſon in all his Narrative he pretends to have ſpoken to about that Matter before, which is the Duke of *Monmouth*, and but one more he pretends even by hearſay to be concern'd in it before, which is my Lord *Ruſſel*. How improbable therefore was it, that thoſe ſix Perſons ſhould, as it were on ſight, put themſelves upon ſuch a dangerous Deſign, eſpe-

The Religion of an Oath.

What the Ld Howard ſaid at the Earl of Bedford's inconſiſtent with his Evidence.

The particulars of his Evidence conſidered.

Improbability in the Ld Howard's Evidence.

eſpecially conſidering the Reaſon he gives for it, which was their Fears, that what had been tranſacted was, or might be diſcover'd? This likewiſe is obſervable, that from the 30*th* of *September*, the time the Sheriffs entred upon their Office, to the 17*th* of *November* following, he is very exact as to the time of each Matter, when there was no Perſon could contradict him; for my Lord *Shaftsbury* was dead, *Walcot* was convicted, and the Duke of *Monmouth* was gone, who are all the Perſons mention'd to be concern'd in that time: yet when he comes to ſpeak of the Matter in which my Lord *Ruſſel* was concern'd, then he ſays it was about the middle of *January*, about ten days after, about ſix weeks after, about three weeks and five weeks; for had he been preciſe in the times, he might have been diſprov'd in the Meetings he gave Evidence of: and it is much his Memory was ſo very good as to the former times, to be ſo very preciſe in them as he was, and ſo very defective in the latter times; and yet thoſe times do not make up the ſpace between the middle of *January*, and the time of the Trial by many weeks, unleſs you will give large Allowances to the word *about*; an Exception which was taken to *Mowbray*'s Evidence, tho he rectify'd it by his Account in his *Almanack*; but it would not be admitted, tho *Colledge* very ſenſibly deſir'd of the Court for Juſtice ſake to look on the *Almanack*, to ſee whether it was newly writ, as if done for that purpoſe.

Beſides the Improbability, if ſuch a thing was in hand, as the Lord *Howard* pretended, for him to run into the Country, and then to the *Bath*, when the Matter was juſt come to a *Criſis* as it were, ſhews him, if he ſwore true, rather a Madman than a Traitor.

The King's Counſel's Uſage to the Priſoner very unfair and unjuſt.

But the Uſage of the King's Counſel and the Court toward the Priſoner was very unjuſt and unfair; they permitted the Lord *Howard* to go on with a long ſtory of him and my Lord *Shaftsbury*, at which when my Lord *Ruſſel* took Exceptions, the *Chief Juſtice* it is true ſaid it was no Evidence; yet the *Attorny General* bidding him go on in the Method of time, he went on where he left off, intermixing Stories of Deſigns and of Attempts by other Perſons upon the King's Perſon to exaſperate the Jury, as my Lord *Ruſſel* ſaid rightly againſt him; a thing which no Counſel durſt have done, and no Court would have ſuffer'd in any other Caſe, nor even in that would the Court or Counſel ſuffer it for the Priſoner. How was my Lord *Angleſey* checkt when he began to tell what my Lady *Chaworth* ſaid, and Mr. *Edward Howard* when he did not ſpeak of his own Knowledg? How unjuſt was it for the King's Counſel to repeat all the Evidence the Lord *Howard* gave, when they ſum'd it up, even that which the Court told them before was not *Evidence!* How unjuſt was the inſinuating of the Death of my Lord of *Eſſex*, as Evidence againſt my Lord *Ruſſel!* And why did not the Court in ſumming up the Evidence take notice of the Liberty the *Witneſſes* and *Council* had taken, and have told them what was not *Evidence?* No other Reaſon can be given than what *Colledge* ſaid at his Trial upon his Obſervation of *Fitzharris*'s buſineſs and his own, That the Matter was not to ſtop at him.

Remarks

Remarks on Col. Sidney's *Trial.*

THE Lord *Ruſſel* being executed, and the ſame day, what was called his Speech being publiſhed, than which nothing in Print was ever ſo eagerly accepted or ſought after, which ſhewed the Inclination of the People; there was ſome reſpite for quieting the minds of the People, but it was not to ſtop there, as *Colledge* ſaid, and therefore Col. *Sidney* (who was talk'd to Death under the Notion of a Commonwealths-man) was the 17*th* of *November*, 1683. brought to *Weſtminſter* to be arraigned on an Indictment of High Treaſon. The Indictment at the time he came to the Hall, was ſo far from being found by the Grand Jury, that it was not ſo much as preſented to them; but the King's Counſel, who had packt the Jury, knew well enough that it would be accepted, that is, found upon ſight by the Jury, without any conſideration, which was accordingly done, and Col. *Sidney* thereupon arraign'd. The Indictment was for deſigning to depoſe the King, and to perſwade the King's Subjects to rebel; and that he did write a certain Libel, wherein it was contain'd, that he (meaning King *Charles* the Second) is ſubject to the Law of God as he is a Man, to the People who made him ſuch, as a King, *&c.* To which Indictment he would have put in ſome Exceptions, expreſt in a Parchment in his Hand, but was told by the Court, he muſt either plead or demur, and upon no other Terms Exceptions could or ought to be admitted; after which he pleaded Not guilty.

Lord Ruſſel's *Speech muchſought after.*

Col. Sidney *Indicted.*

Jury finds the Bill at firſt ſight.

The 21*ſt* of *November* he was try'd, at which time he inſiſted to have a Copy of his Indictment, as he had done when he was arraign'd; but was both times denied. The firſt Witneſs againſt the Priſoner was Mr. *Weſt*, againſt whom Col. *Sidney* objected, becauſe he was not pardon'd; but it was anſwer'd by the Court, that he was a good Witneſs in my Lord *Ruſſel*'s Trial, and therefore ſhould be in that. Then Col. *Sidney* deſired Mr. *Weſt* might ſpeak nothing but what he knew of Col. *Sidney*, but was anſwer'd by the Court, he might give Evidence of a Plot in general, tho Col. *Sidney* was not concerned in it, and it was call'd Sir *William Jones*'s Law. Then Mr. *Weſt* went on, and gave Evidence of what Col. *Rumſey*, Mr. *Nelthorp*, and *Mr. Ferguſon* told him of Col. *Sidney*, but of his own Knowledg he could not ſay any thing of the Priſoner. *Rumſey* gave a like Evidence he had done in my Lord *Ruſſel*'s Trial, with an Addition of what Mr. *Weſt* and Mr. *Goodenough* told him. *Keeling* gave Evidence of what *Goodenough* told him, all which the Court agreed was no Evidence againſt the Priſoner. Then the Lord *Howard* gave the like Evidence from the middle of *January* to that time, as he had done in the Lord *Ruſſel*'s Trial, ſaving that he ſaid the Earl of *Salisbury* was brought into the Cabal, who was not mention'd before, and ſave that he ſaid the meeting at my Lord *Ruſſel*'s was about a Fortnight or three Weeks after the meeting at Mr. *Hamden*'s; whereas in my Lord *Ruſſel*'s Trial, he ſays it was about ten days after the meeting at Mr. *Hamden*'s Houſe: and here he makes two notable Speeches for Mr. *Hamden* at the opening of the Conſult, both which he had forgotten at my Lord *Ruſſel*'s Trial, nor could remember at Mr. *Hamden*'s Trial, tho in the laſt he was led by a great many Queſtions to put him in mind of them. After his Evidence given, Col. *Sidney* was ask'd whether he would ask the Witneſs any Queſtions, who anſwered, he had no Queſtions to ask him; whereupon the Attorny General ſaid ſilence——You know the Proverb.

Refuſed a Copy of the Indictment.

Weſt's *Evidence.*

Rumſey's.

Keeling's.

Lord Howard's.

The Record of the Lord *Ruſſel*'s Conviction and Attainder was given in Evidence. Sir *Andrew Foſter* ſwore Sir *John Cockram* and the two *Campbells* came to *London* Sir *Philip Floyd* proved the ſeizing of ſome Papers in the Priſoner's Houſe, and he did believe the Papers ſhewn in Court to be ſome of them. *Sheppard*, *Cary*, and *Cook* ſwore the Writing produced was like the Priſoner's Hand-writing; the Attorny General deſired ſome part of the Writing ſhould be read; the Priſoner deſired all of it might be read, but was anſwer'd by the Court, that the Attorny muſt have what Part of it he would to be read, and afterwards the Priſoner ſhould have what Part of it he would to be read; but he perſiſted to deſire all of it ſhould

Evidence about the Papers.

Debate about them.

ſhould be read; then the Writing was read, (which was plainly an anſwer to a Book, but what Book was not mention'd) in which the Right of the People was aſſerted.

Earl of Angleſey's, &c. Evidence for the Priſoner.

The Earl of *Angleſey* gave the ſame Evidence for the Priſoner, of the Lord *Howard*'s ſpeaking of my Lord *Ruſſel* and the Plot, as he had done in my Lord *Ruſſel*'s Trial. The Earl of *Clare* ſaid that the Lord *Howard*, after Col. *Sidney*'s Impriſonment, ſaid, if he was queſtioned again, he would never plead; the quickeſt Diſpatch was the beſt, he was ſure they would have his Life; and ſpeaking of the Primate of *Armagh*'s Prophecy, he ſaid, the Perſecution was begun, and he believed it would be very ſharp, but hoped it would be ſhort; and ſaid, he thought Col. *Sidney* as innocent as any Man breathing, gave him great Encomiums, and bemoaned his Misfortune; and as for Col. *Sidney*'s Papers, he ſaid he was ſure they could make nothing of them. Mr. *Philip Howard* ſaid, the Lord *Howard* ſaid it was a Sham-Plot; Dr. *Burnet* gave the ſame Evidence as he did in my Lord *Ruſſel*'s Trial: Mr. *Ducas* gave Evidence, that the Lord *Howard* ſaid he knew nothing of Col. *Sidney*'s being in any Plot. The Lord *Paget* gave Evidence to the ſame purpoſe. Mr. *Edward Howard* gave Evidence to the ſame purpoſe. *Tracy* and *Penwick* gave Evidence to the ſame purpoſe. Mr. *Blake* teſtified, that the Lord *Howard* ſaid he had not his Pardon, and could not aſcribe it to any other reaſon, than that he muſt not have it till the Drudgery of Swearing was over.

Obſervations on the Evidence againſt the Priſoner.

Now to review what hath been ſaid, it is ſtrange to ſee what a Progreſs was made in the Reſolutions of Points of Law, to take away a man's Life; to ſay it in Col. *Sidney*'s Words, as if the Court and Counſel thought it their Duty to take away a man's Life any how. Mr. *Weſt* and ſeveral others are admitted to give Evidence by hearſay againſt the Priſoner, and their Evidence ſummed up and urged as Evidence to the Jury; and the Reaſon given for it was, that he was admitted a good Witneſs of a like matter, in the Lord *Ruſſel*'s Trial: which beſides that it was not true, for he was rejected in that Trial, as it appears in the Print; yet if he had been admitted, it was of no Authority, as Col. *Sidney* ſaid, becauſe perhaps he was not excepted to. Of a like ſtamp is the Evidence of the Conviction of the Lord *Ruſſel*, tho I agree the Lord *Ruſſel*'s Conviction was as good Evidence againſt Col. *Sidney*, as the Earl of *Eſſex*'s Murder was againſt my Lord *Ruſſel*, and no better. The ſame may be ſaid of *Rumſey*, *Keeling*, *Foſter* and *Atterbury*'s Evidence. Againſt the Lord *Howard*'s Evidence there were the ſame Objections, as in the Lord *Ruſſel*'s Trial, with the addition of ſeveral other Perſons teſtifying, that he ſaid he knew not, nor believed any thing of the matter; and that he could not have his Pardon, till he ſwore others out of their Lives, which in truth was the Senſe of his Expreſſions.

King's Counſel palliate Lord Howard's Evidence.

The King's Counſel indeed had thought of ſomething ſince the Trial of my Lord *Ruſſel* to palliate the matter of the Lord *Howard*'s ſayings (for they lean'd hard upon his Reputation, and lookt as if he would perjure himſelf at the expence of ſome Perſons Lives, as his Words are in the Lord *Ruſſel*'s Trial) Would you, ſay they, have had him confeſt the matter to thoſe Perſons to whom he had denied it?

I think there is a difference between confeſſing and denying: Who ask'd him the Queſtion? What did it avail him to deny it to the Perſons teſtifying againſt him? and therefore when he voluntarily ſaid a thing untrue, unasked, not provoked or compelled to do it, and which could do him no good, it was good Evidence of his Untruth, and that no Credit ought to be given to what he ſwore.

As for the laſt part of the Evidence, which was about the Writing, both the Indictment and the Evidence was defective.

Evidence about the Papers defective.

As for the Evidence, if the Subject Matter of the Writing had been Evidence of Treaſon, the Indictment ought to have expreſt that he publiſhed it, which the Indictment in this Caſe did not; and upon good reaſon, which was, that the Jury might be put in mind, that the Publiſhing of it was neceſſary to make it known; whereas they very well knew that the Evidence would not, nor did come up to it. This was the firſt Indictment of High-Treaſon, upon which any Man loſt his Life, for writing any thing without publiſhing it; for in *Fitzharris*'s Indictment, he was charged with publiſhing his Libel; and ſo in all other Indictments for Writing, and upon good reaſon: for this being made an overt Act of Treaſon, it muſt be an Evidence of a Deſign to kill or depoſe the King, or the like; and as the Conſequence of what the Writing contain'd, which was that the Power was in the People, *&c.* being in its nature no other, nor urged by the King's Counſel to any other intent than to corrupt the Subjects minds, could not be Evidence of ſuch matter, unleſs proved he had writ and publiſhed it, whereof the laſt was not pretended to be proved.

Power in the People.

That

That it was neceſſary to be expreſt in the Indictment, and proved at the Trial, appears by the Reſolution of all the Judges of *England* in *Hugh Pines* Caſe, reported in *Cro. Car. Fol.* 89. at a time when Prerogative run pretty high; wherein, beſides the reſolution that no Words charging the King with any perſonal Vice, was Treaſon, there is the Caſe of one *Peacham*, in 33*d* of *Henry* the 8*th*, cited, who was indicted for Treaſon, for Treaſonable Paſſages in a Sermon never preached, nor intended to be preached, but found in writing in his Study; he was found guilty, but never executed; for many Judges at that time were of Opinion it was not Treaſon, as the Book ſays: which I think, according to the Evidence here given, was the expreſs Caſe of Col. *Sidney*, admitting he writ the Book produced, and that the Paſſages in it were Treaſonable. *No Treaſon to charge a King with perſonal Vices.*

And as this Indictment was an Original in the particular before mentioned, ſo it was a ſecond of an *Innuendo* Indictment of Treaſon, *Fitzharris* was the firſt. The Proſecution againſt *Car*, as I remember, was an Information, and Judgment arreſted after a Verdict, becauſe it was by *Innuendo*, of which no Precedent could be produc'd; and altho in Actions for Words it was permitted, yet in Criminal Matters being Penal, it was reſolv'd it ought not to be permitted, and certainly much leſs in Treaſon: and as this Indictment was an Original in one part, and a Second in another, the Evidence on it was an Original in another part, which was proving the Book produc'd to be Col. *Sidney*'s Writing, becauſe the Hand was like what ſome of the Witneſſes had ſeen him write; and Evidence never permitted in a criminal Matter before. The Caſe of the Lady *Carre* was well cited by Col. *Sidney*, againſt whom there was an Indictment or Information of Perjury, in which it was reſolv'd that Compariſon of hands was no Evidence in any criminal Proſecution: and it muſt be own'd that at that time, beſides *Keeling* and *Twiſden*, there then ſat in that Court Sir *Wadham Windam*, whom all will own to have been the ſecond beſt Judg which ſat in *Weſtminſter-Hall* ſince the King's Reſtoration: and if it be not Evidence in a Proſecution of Miſdemeanor, much leſs in Treaſon, as Col. *Sidney* ſaid; which Inference, beſides the reaſon of the thing, is backt by the Authority of my Lord *Coke*. *Col. Sidney's Indictment an Original.* *Caſe of Lady Carre.* *Compariſon of hands no Evidence.*

But admitting Col. *Sidney* wrote that Book, and publiſhed it; yet if it were not done with a deſign to ſtir the Subjects up into a Rebellion, but was writ and publiſhed only *diſputandi gratia*, as the import of the Book ſhews plainly it was, it was no more Treaſon than the diſcourſe between *Bladgrave* and Mate *Lee* about taking the Tower was. And ſuppoſe it was wrote with that deſign, yet it not appearing when it was writ, how could a Jury upon their Oaths ſay it was done with a deſign to raiſe Rebellion againſt King *Charles* the Second, when for ought appeared it was writ before he was King or thought of? It might for ought appeared be writ in King *Charles* the Firſt his time, or *Cromwel*'s time, and deſign'd againſt either of them, or any Foreign Prince, and therefore could not be Treaſon againſt King *Charles* the Second. *The Book contain'd no Treaſon.*

The Evidence was an Original in this Particular; alſo it was the firſt time that ever a particular Expreſſion in a Writing was given in Evidence againſt a Man in Treaſon without reading the whole Writing, and for a very good reaſon given by the Jury in *Fitzharris* his Caſe, which was, that there might be ſomething in the Writing not expreſſed in the Indictment, which may explain the Clauſes in the Indictment, ſo that they may bear another conſtruction: and in that Trial it was agreed, the whole Writing ought to be read, and was read accordingly; and it was the duty of the Court to have ordered it, whether the Priſoner or Jury had deſired it or not, as they are upon their Oaths to do right: but in Col. *Sidney*'s Caſe, when preſſed by him, it was denied; only ſome particular Paſſages he might have read if he would, which he did not acccept, upon a very good reaſon which he gave, which was, that he knew not the Paſſages of the Book, or at leaſt he did not remember them, and therefore could not call for them. 'Tis true that Practice in Civil Matters is allowed to ſave time, where the miſchief is not very great: becauſe of a Paſſage in a Deed or Writing material for either Party omitted in reading, the Matter may be brought about again; but in Criminal, much leſs in Capital Proſecutions, they cannot be, unleſs a way can be found to bring a Man to Life again. Fitzharris's *Paper all read.*

Almoſt all the Circumſtances of this Trial are Originals; the ſumming up of the Evidence againſt him was barbarous, being Invectives and no Conſequences. It was ſaid he was not only guilty of the Practices he was accuſed of, but that he could not have been otherwiſe, becauſe his Principles led him to it; and it might with *Almoſt all the Circumſtances Originals.*

as

Summing up the Evidence barbarous.

as good reaſon have been urged, that he not only was become, but was born a Traitor. The laſt Matter remarkable in the Trial was that of an Overt Act, of which the Court ſaid it was reſolved by all the Judges of *England*, that if I buy a Knife of *J. S.* to kill the King, and one Witneſs prove I bought a Knife, and another prove I bought it for that purpoſe, it is two Witneſſes of an Overt Act within the Statute of *Ed. 6th.*

It were very fit to know who the Judges were who gave that Reſolution, if it were but for the Authority of the Caſe; for I doubt the reaſon of it will convince no Man: they might as well have reſolved that eating or drinking, or the moſt ordinary Acts of a Man's Life, is an Overt Act of High Treaſon.

No Overt Act prov'd.

The Law hath taken that care for the Evidence of High Treaſon, which it hath not done in any other Caſe, that it muſt be proved by an Overt Act, proved by two Witneſſes. One would think at firſt ſight of the Statute that there ſhould be two Witneſſes to the ſame Fact; but that hath been adjudged otherwiſe, yet ſtill it was reſolved there muſt be two Witneſſes: but if this Reſolution be Law, it is plain there needs but one. Tis true, if a Man does an Act for which he can give no reaſon, as placing a Mine of Pouder in a Place the King uſually paſſeth over, or planting a piece of Cannon to ſhoot at a place the King uſually paſſeth by, if he cannot give a credible reaſon why he did it, and another ſwears the purpoſe of the thing, it is two good Witneſſes within the Act.

Wearing a Sword no breach of the Peace.

It hath been ſaid, if a Man be bound to his good behaviour, and wears a Sword, it is a breach of the good behaviour; and perhaps heretofore when Swords were not uſually worn but by Soldiers, it might be ſo, becauſe it ſtruck a Terror in other People as much as a Blunderbuſs, or the like unuſual Weapon, or the going armed in a Coat of Mail for any Perſon but a Soldier doth at this day. Yet no Man will ſay that now Swords are uſually worn by all ſorts of People, it is a breach of the good behaviour; and ſo that which heretofore was a Crime, by Cuſtom now is become none. It is therefore the unuſualneſs and the unaccountableneſs of the Circumſtance makes it an Evidence, which cannot be aſſigned as a reaſon in the Overt Act mentioned.

Why the Priſoner refuſed to ask Lord Howard *any Queſtions.*

The laſt thing I take notice of is, that Col. *Sidney* refuſed to ask the Lord *Howard* any Queſtions, from whence was inferred that he aſſented to the truth of the Matter ſworn: but it is well known, 'tis no Prudence to ask a thorowpac'd Witneſs a queſtion; in Mr. *Hamden*'s Trial, his Counſel refuſed ſo to do for that Reaſon.

Holloway's *Caſe.*

The next who fell a Sacrifice, according to *Colledge*'s Prophecy, was *James Holloway*; he was outlawed and taken beyond Sea; and being induced with promiſes of Life to accuſe himſelf of things (whether Guilty or not) enough to make good an Indictment of High Treaſon againſt him, it was indeed generouſly offered him that his Outlawry ſhould be ſet aſide, and he have the liberty to be tried, and defend himſelf as well as he could: but knowing that what he had ſaid ſince he was taken would be brought in Evidence againſt him, he refuſed his Trial; and becauſe he would not purchaſe his Pardon at the expence of innocent Mens Blood, by accuſing others of what he did not know they were guilty (if his dying Speech is to be believed) he was executed.

I ſhould not have mention'd this, but for the ſake of the next Perſon's Caſe, which was Sir *Thomas Armſtrong*'s, who was outlawed for High Treaſon; when he was beyond Sea, he was taken and brought to the Kings-Bench-Bar.

Remarks upon the Award of Execution againſt Sir Thomas Armſtrong.

AT Common Law, if a Perſon was beyond Sea when an Outlawry was pronounc'd againſt him, it was an Error in Fact, for which the Outlawry was to be revers'd; and it is an Error in all Outlawrys but for High-Treaſon to this day. By the *6th* of *Edward* VI. that Error is taken away in High-Treaſon, but there is a *Proviſo* in that Statute, that if the Perſon outlaw'd ſhall within a Year after the Outlawry pronounc'd, yield himſelf to the Chief Juſtice of the *Kings-Bench*, and offer to traverſe his Indictment, and on his Trial ſhall be acquitted, he ſhall be diſcharg'd of the Outlawry. Upon the Conſtruction of this Statute, no Judgment was ever given that I know of; and the reaſon is, no Man outlaw'd was ever deny'd a Trial till this time, if he was taken within a competent Time. The reaſon of making that Statute was this; Men would commit Treaſon, and preſently fly beyond Sea, and ſtay there till the Witneſſes who ſhould prove the Treaſon were dead; then return, and reverſe the Outlawry for the Error of their being beyond Sea; and the Witneſſes being dead, they were ſafe: and therefore this Statute takes away that Error in part, tho not in the whole, and doth in effect ſay, that the Perſon outlaw'd ſhall not have advantage of that Error, unleſs he comes and takes his Trial within a competent time, which that Statute limits to a Year after the Outlawry pronounc'd.

Caſes of reverſing an Outlawry.

No outlaw'd Perſon ever deny'd his Trial.

This being plainly the Senſe of the Statute, it was Injuſtice to deny the Favour or Right of a Trial to Sir *Thomas Armſtong*, which was never deny'd any Perſon before nor ſince, where it was agreed that all the Witneſſes againſt the Perſon accus'd were alive, as in Sir *Thomas Armſtrong*'s Caſe they were, barely upon the quibble of the word *render*, which in no Caſe that ever I read was differenc'd from *taken*, but in one Caſe, which is *Smith* and *Aſhes* Caſe in *Cro. Car.* 42. in an Outlawry for Debt againſt Husband and Wife, which will not extend to, or warrant the Judgment in this Caſe: and if there were but a Doubt in the Caſe, as it cannot be deny'd there was, the Outlawry ought to have been wav'd, or at leaſt Counſel for the Priſoner heard as to the Point.

The injuſtice of denying Sir Tho. Armſtrong *his Trial.*

It was a vain and unjuſt Reaſon (and only tending to incenſe the thing) aſſign'd by the Attorny, That the Priſoner was one who actually engag'd to go, upon the King's haſty coming to Town, to deſtroy him by the way; whereas the Priſoner offer'd to prove his Innocence in that and other Matters of which he was accus'd: and even that Objection againſt him was an Invention of the Attorny's for any thing appears; but then it was reſolv'd to ſtop at nothing, and Succeſs had made them fearleſs. *Fitzharris* and *Colledge* 'twas own'd had hard meaſure, and that their Caſes might be forgotten, their Quarters were buried; but Sir *Thomas Armſtrong*'s were expos'd, tho the Proceedings againſt him were equally as unjuſtifiable as in the other two Caſes.

The Attorny General's unfair dealing with the Priſoner.

Remarks on the Trial of Count Conningſmark.

I Think fit to remember in the ſame Reign, tho before this time, one Caſe, to ſhew how the Courts of Juſtice were remiſs or violent, according to the ſubject Matter.

Mr. Thynne's Murder barbarous.

All will agree, that the Murder of Mr. *Thynne* was one of the moſt barbarous and impudent Murders that ever was committed; and of that Murder Count *Conningſmark*, tho he eſcap'd Puniſhment, was the moſt Guilty.

Ch. Juſtice favourable to the Priſoner.

I do not complain that in that Trial the Chief Juſtice directed the Priſoner the way to make the King's Counſel ſhew the Cauſe of Challenge againſt the Perſons call'd on the Jury, and challeng'd for the King, without any Reaſon, it was his Duty ſo to do; and he ought to have directed *Fitzharris* the ſame Method, which he did not: but he was blameable that he did not ask the *Lieutenant* and *Polander* what they had to ſay for themſelves, which was always done before and ſince that time, and ought to be, which was an Injuſtice; and therefore two of the Priſoners at the time of their Sentences ſaid, they were never try'd, tho I believe no great Injury to them, becauſe they had little or nothing to have ſaid for themſelves.

The other 2 Priſoners not askt any thing.

But if they had been askt, they would have ſaid as they did before their Trials to the Juſtice of Peace who committed them, and as they did after their Condemnations, that Count *Conningſmark* put them upon doing what they did, which might have influenc'd the Jury to have found the Count guilty, which was contrary to the Deſign of the Court; and it was for the ſame Reaſon the Chief Juſtice would not permit the Juſtice of Peace to read the Examination of *Stern* and *Borosky*.

Principal and Acceſſory try'd together.

I do agree, that what they ſaid before the Juſtice of Peace was not Evidence againſt the Count; I agree that the Count being indicted and try'd as Acceſſory, at the ſame time the Principals were indicted and try'd, the Principals could not be good Witneſſes againſt the Count, becauſe properly a Principal ought to be convicted before the Acceſſory be try'd: and therefore tho for Expedition both are try'd together, yet the Verdict always is and ought to be given againſt the Principal, before that of the Acceſſory.

But I deny what was in that Trial laid down for Law, that the Acceſſory being in the ſame Indictment with the Principal, muſt be try'd at the ſame time. It is true, the Count deſir'd his Trial might be put off for two or three days, which the Court knowing what was beſt for the Count deny'd, and not for the above pretended Reaſons; for an Indictment againſt many may be joint, and yet the Trials may be ſeveral: the truth is, in ſuch Caſes the Indictment is joint and ſeveral.

Suppoſe the Acceſſory, at the Trials of the Principals, had not been in Cuſtody; will any Perſon ſay, that if afterwards he was taken, he can't be try'd upon that Indictment in which he was join'd with the Principals?

But beſides a hundred Precedents not printed, there is the Caſe of *George Saliſbury & al.* in *Plowden*, *Fol.* 100. where it was reſolv'd, that tho an Indictment againſt many is joint, yet the *Venire* may be ſeveral againſt each Perſon, and conſequently the Trials may be ſeveral; and if ſo, then the times of the Trials may be ſeveral: but that which is to be complain'd of is, that the Count in the Opinion of all Mankind at that time and ſince was the moſt guilty Man, yet the care taken to puniſh the leſs guilty, as *Sterne* and *Borosky*, was in order to let the moſt guilty eſcape; for I think both *Sterne* and *Borosky* might, and would have been good Witneſſes againſt the Count if the Court would have permitted it: the Count might have been indicted as Acceſſory to *Wratts* only; for the Acceſſory to all the Principals is Acceſſory to every of them ſeverally: and when the Court in their private Conſciences were ſatisfy'd the Count was moſt guilty, they ought to have been cunning, *aſtati*, as my Ld *Hobart* calls it, to have brought him to Puniſhment. But 'twas ſaid, *Sterne* and *Borosky* being indicted of the ſame Crime with the Count, they could not be good Witneſſes againſt him, which I think is no more Law than Truth:

The Count reputed the Principal.

Truth

Truth it was not, for the Count was indicted as Acceſſory, the reſt as Principals. But taking it that all were indicted and try'd as Principals for the ſame Fact at the ſame time, why is not the Evidence of the one good againſt the other? Firſt, I think there is no expreſs Reſolution for that Point of Law, but a late Rule given at *Kingſton* Aſſizes upon the Trial of a Maid and one *Saterwaite* for burning of an Houſe; and therefore there is a liberty to examine by Reaſon how the Law is. I agree, if a Man is indicted and try'd for killing another, he ſhall not be admitted to ſay, *B.* did it by himſelf; but I think he may be a good Witneſs to prove that he and *B.* did it, that is to ſay, he ſhall not give any Evidence againſt another, which tends to acquit himſelf as well as accuſe another; and I think he may give Evidence which accuſes another of the ſame Crime whereof he is indicted, if it doth not tend to acquit himſelf. But ſuppoſe he is ſure of being hanged, and tho' a Confederate with the other, hath never the leſs ſome old Grudge againſt Him: If ſo, his Evidence may be the Means of wreaking his Malice.

How a Witneſs is diſabled by being guilty of the ſame Crime.

For it is agreed on all hands, that being guilty of the ſame Crime, doth not diſable a Witneſs; for then *Rumſey* and ſeveral Perſons in the Lord *Ruſſel*'s *Plot*, as it was call'd, had not been good Witneſſes. In the next place, the Circumſtances of an Indictment againſt the Witneſſes for the ſame thing he teſtifies againſt another, do not diſable him; *Widdrington* was indicted for the ſame things, of which he gave Evidence againſt ſeveral others as his Complices in Robberies. Nay, the Law hath given ſomewhat more credit to the Evidence of a Perſon indicted, as a Witneſs of the ſame things againſt others, than it does to a Perſon not indicted; as in the Caſe of an Approver, which, as *Stamford* ſays, was a Perſon in Priſon (not at large) for the Fact for which he was indicted, arraign'd upon an Indictment, or an Appeal of Felony, who before a Coroner aſſign'd by the Court, confeſſes himſelf guilty of the Felony of which he is indicted, and not of any other, and confeſſes other Perſons, naming them as Coadjutors with him in committing the Crime of which he is indicted, and not of any other Crime; ſo much Credit ſhall be given to that Confeſſion, that Proceſs ſhall be made out againſt the Perſon peach'd, who, if taken, ſhall be arraign'd on that Approvement, as if an Indictment by a Grand Jury had been found againſt him: and if the Law gives ſo much Credit to an Approver, I think no Perſon can ſhew me a Reaſon why a Perſon indicted is not a good Witneſs againſt another for the ſame Crime.

A pardoned Approver a good Witneſs.

It is true, *Stamford* ſays, if a King gives an Approver a Pardon, he is a good Witneſs; which implies, that otherwiſe he is not: But it muſt be conſider'd, that the reaſon of that is, that an Approver being indicted, as he always is, and confeſſing the Indictment, is convicted, and a Perſon convicted of Felony cannot be a Witneſs till pardon'd. But it will be no Argument why *Sterne* or *Borosky* had not been good Witneſſes againſt the Count before they were convicted; and it was a like Piece of Juſtice, that whereas the Count was the moſt guilty, he was acquitted.

Wrats being the next greateſt Offender, was honourably interr'd, and *Sterne* and the *Polander*, who were the leaſt Offenders in that Matter, were hang'd in Chains.

It was ſomewhat like the *New-England* Law, remembred by *Hudibraſs*, of hanging an uſeleſs innocent *Weaver* for an uſeful guilty *Cobler*.

Remarks on Mr. Corniſh's *Trial.*

Circumſtances of Corniſh's *hard Fate.*

THERE yet remain two Perſons Proſecutions to ſpeak of, the one is Mr. *Corniſh*, who was taken the —— of *October* 1685. and was arraign'd on an Indictment of High-Treaſon the Monday after, for conſpiring to kill the late King *Charles* the Second; and knowing *James* Duke of *Monmouth*, *William Ruſſel* Eſq; and Sir *Thomas Armſtrong* to be Rebels and Traitors, promis'd to be aſſiſting to them in their Treaſons: To which he pleaded Not Guilty. He deſir'd to put off his Trial, becauſe he had no notice till the Saturday before at twelve a Clock, and he could get no Friend to come to him till eight a Clock at Night, and then he was permitted to ſpeak with no body but in the preſence of the Goaler; he had been allow'd no Pen, Ink, or Paper. He was told by the Court he ought not to have it, without leave given on a Petition prefer'd by him, and that he was taken Tueſday before, which to that time was almoſt a Week. He ſaid his Children had petition'd the King the Night before to put off his Trial, and it was refer'd to the Judges; he did not know whether he was committed for High-Treaſon againſt the preſent, or the former King, and he had a material Witneſs an hundred and forty Miles off; but was told by the Court, they had no Power to put off his Trial. It is true, they ſaid the Lord *Ruſſel*'s Trial was put off to the Afternoon (which was not true) but that was a Favour which could not be challeng'd by another Perſon as a Right. He complain'd he had not a Copy of the Pannel, but was anſwer'd it was not his Right to have it. Then the Attorny ſaid, he had not deſerv'd ſo well of the Government as to have his Trial delay'd, and therefore he was preſently try'd.

King's Counſel bear hard upon him.

Rumſey's *Evidence.*

Rumſey ſwore, that about the latter end of *October*, or beginning of *November*, the Earl of *Shaftsbury* deſir'd him to go to Mr. *Sheppard*'s Houſe, where was a Meeting of the Duke of *Monmouth*, Lord *Ruſſel*, Lord *Gray*, Sir *Thomas Armſtrong*, Mr. *Ferguſon*, and Mr. *Sheppard*; he came late, and they were juſt on going away; he deliver'd his Meſſage, and they told him that Mr. *Trenchard* had diſappointed them: he had not been there above a quarter of an hour, but Mr. *Sheppard* was call'd down, and brought up Mr. *Corniſh*, and told them Mr. *Corniſh* was come, who came into the Room, and excus'd his not coming ſooner, and that he could not ſtay, for he was to meet about the Charter; whereupon Mr. *Ferguſon* open'd his Boſom, and under his Stomacher pull'd out a Paper: they told Mr. *Corniſh* they had had it read, and deſir'd to read it to him: Mr. *Ferguſon* read it, Mr. *Sheppard* held the Candle while it was reading, and afterwards they ask'd Mr. *Corniſh* how he lik'd it; who ſaid, he lik'd it very well: he remember'd two Points in it very well, the one was for Liberty of Conſcience, the other was, that all who would aſſiſt in that Inſurrection, who had Church or Kings-Lands in the late War, ſhould have them reſtor'd to them. He did not hear all the Paper, and obſerv'd only theſe two Points, it was a Declaration on a Riſing, and when the Riſing was to have been, it was to have been diſperſed abroad; there was a Riſing intended at that time, and Mr. *Corniſh* ſaid, he lik'd the Declaration, and what poor Intereſt he had he would join with it. He had great dealings with Mr. *Corniſh*, and Mr. *Corniſh* was a very honeſt Man, it was out of Compaſſion he had not accus'd Mr. *Corniſh* before.

Good-enough's *Evidence.*

Mr. *Goodenough* ſaid there was a Deſign to riſe in *London*, and for that purpoſe to divide the City into twenty parts, and to raiſe five hundred Men out of each part, to take the *Tower*, and to drive the *Guards* out of Town. Before that was agreed on, he being by chance at Mr. *Corniſh*'s Houſe, ſaid, the Law will not defend us; ſome other way was to be thought on. Mr. *Corniſh* ſaid, he wondred the City was ſo unready, and the Country ſo ready: Mr. *Goodenough* reply'd, there is ſomething thought of to be done here, but in the firſt place the *Tower* muſt be ſeiz'd, where the Magazine is; Mr. *Corniſh* paus'd a little, and ſaid, I will do what good I can, or what I can, or to that purpoſe, he ſaid.

He

He afterwards met Mr. *Corniſh* on the *Exchange*, who ask'd him how Affairs went, and this was in *Eaſter Term* 1683. He had ſome Matters with Mr. *Corniſh* about managing the Riot, which was brought againſt him, Mr. *Corniſh*, and others: He came to Mr. *Corniſh*'s Houſe about the buſineſs of the Riot, and no Perſon was by at the diſcourſe. Mr. *Goſpright* teſtify'd for Mr. *Corniſh*, that he oppos'd Mr. *Goodenough*'s being Under-Sheriff, and ſaid he would not truſt an Hair of his Head with him, he was an ill *Man*, obnoxious to the Government, and had done ill things, and he would not truſt his Eſtate and Reputation in the Hands of ſuch an Under-Sheriff; and he believ'd Mr. *Goodenough* and Mr. *Corniſh* were never reconcil'd. Mr. *Love*, Mr. *Jekil* and Sir *William Turner* teſtify'd to the ſame purpoſe; Mr. *Lane* ſpoke out of the printed Trial of my Lord *Ruſſel*, and ſaid *Rumſey* in that Trial ſaid he did not hear the Declaration read, for it was read before he came. Dr. *Calamy* ſaid, Mr. *Corniſh* did often come to Church, and receive the Sacrament; Mr. *Sheppard* ſaid he was *ſubpœna'd* by the King, and by Mr. *Corniſh* the Night before; and that Mr. *Corniſh* his Son was with him the Afternoon of the day before, who preſt him to be at the Trial the next day; that there were Accounts depending between him and Mr. *Corniſh*, whereon there was about one or two hundred Pounds due to Mr. *Corniſh*, and Mr. *Corniſh*'s *Subpœna* was ſerv'd firſt upon him. At one of thoſe Meetings at his Houſe, Mr. *Corniſh* came to ſpeak a few Words with the Duke of *Monmouth* or ſome other, he could not be poſitive in that, it was ſo many years ago; he did not ſtay above half a quarter of an Hour in the Houſe; *Sheppard* came up Stairs, and went out with Mr. *Corniſh*, and there was not one Word read, nor no Paper ſeen while Mr. *Corniſh* was there: he remembred there was a Declaration read, *Ferguſon* pull'd it out of his Shoe: he could not tell whether Mr. *Corniſh* was at his Houſe the Night the Delaration was read, but he was poſitive no Paper was read while Mr. *Corniſh* was there, for Mr. *Corniſh* was not look'd on to be one of the Company: he did not know who Mr. *Corniſh* came to ſpeak with, when he came to his Houſe; Mr. *Corniſh* was but once at his Houſe when the Duke of *Monmouth* was there: he did not remember that Mr. *Corniſh* was in the Company when *Rumſey* was there: he ſaid, he had attended the Court from eleven a Clock till half an Hour paſt three.

Goſpright's Evidence for the Priſoner.

Other Evidences for the Priſoner.

Mr Sheppard's *Evidence.*

This being the Sum of the Evidence given in the Trial for and againſt the Priſoner, let us ſee whether thoſe Inferences could be made from it as were made by the Court and Counſel: and whether on the whole an honeſt Jury, tho but of little underſtanding, could have found him guilty of the Treaſon in the Indictment.

It is agreed on all hands, that a petty Jury may and muſt conſider the Credibility of a Witneſs (tho in the Lord *Shaftsbury*'s Caſe it was ſaid a *Grand Jury* ought not ſo to do) and if ſo, ſurely *Rumſey* was not a credible, tho he was not a diſabled Witneſs, no more than a Man who owns himſelf to be a Man of Falſhood, a profligate Wretch, and perjur'd by his own Confeſſion, tho not convicted of it; he had notoriouſly confeſſed himſelf guilty of High-Treaſon, and of being in the Deſign of an intended barbarous Murder; he had ſworn in the Lord *Ruſſel*'s Trial, he had nam'd all the Perſons at the Meeting he ſpoke of, of which Mr. *Corniſh* was none; and being taxt in this Trial with it, he excuſes his Perjury with Compaſſion to the Priſoner, which was mean, fooliſh and contradictory; he perjur'd himſelf to ſave the Priſoner, and then ſwore Truth to hang him. He had not preſence of mind enough to excuſe himſelf in the manner a Witneſs in the Lord *Ruſſel*'s Trial did, that his God, his King and his Country put him unwillingly to act that part: beſides that in the Lord *Ruſſel*'s Trial, *Rumſey* ſwore he was not at the reading the Declaration, and contradicted *Sheppard*, who ſwore he thought he was there.

Rumſey's Evidence diſprov'd.

Guilty of Perjury.

But that paſſage was prov'd only by a Witneſs who had read it in the Trial, which I confeſs in ſtrictneſs of Law is not Evidence; nor if the Witneſs had ſaid, he heard *Rumſey* ſwear ſo at the Lord *Ruſſel*'s Trial, it had not been Evidence, unleſs a Record of that Trial had been produc'd in Court, which was not done. But all thoſe things being but mere Circumſtances, ſhew the Injuſtice of ſpeeding his Trial, and denying him Counſel: Would not any Counſel have told him that in ſtrictneſs of Law a Paſſage in a printed Trial was not Evidence, and was it not eaſy for him to have got a Witneſs to have ſaid that he had heard *Rumſey* ſwear ſo at that Trial? were not all the Judges who ſat upon him, and all the King's Counſel who were againſt him, preſent at the Lord *Ruſſel*'s Trial, and perfectly remembred what *Rumſey* then ſwore as to the pretended Declaration, and might he not have *ſubpœna'd* them to have teſtify'd that Matter? Nay, was it not their Duty to have done it even without a *Subpœna*?

Contradiction betwixt Rumſey *and* Sheppard.

To

To ſay it was againſt the King, and therefore they could not do it; or they were in the Commiſſion to try him, and therefore they could not do it, is neither Law nor Reaſon. Every Man knows that a Judg in a civil Matter try'd before him, and a Counſel even againſt his Client, has been enforc't to give Evidence (provided it be not of a Secret communicated to him by his Client) for in that particular a Judg ceaſes to be a Judg, and is a Witneſs; of whoſe Evidence the Jury are the Judges, tho he after re-aſſume his Authority, and is afterwards a Judg of the Jury's Verdict.

A Judg when ſued ceaſes to be a Judg.

A Judg may ſue, and muſt be ſued in his Court, but in that Caſe he ceaſes to be a Judg and is a Suitor, tho he re-aſſumes his Authority in all other Matters: and if it be ſo in civil Matters, let any Man ſhew me a Reaſon why the Law is not ſo in criminal Matters; there is no expreſs Law againſt it, and it will be abſurd in Reaſon to ſay the Law is not ſo; for at that rate the King may put any Witneſs, he knows the Priſoner intends to produce for himſelf, into the Commiſſion for trying him, and ſo deprive the Priſoner of the Benefit of his Evidence; as in this Caſe *Sheppard*, whoſe Evidence ought to have been of great uſe (as ſhall be ſhewn) tho it was not of any Avail to the Priſoner, might have been put into the Commiſſion to have try'd Mr. *Corniſh*, for he was as much qualify'd for it, as Sir *James Smith* then Lord *Mayor*, or any Judg upon the *Bench*: and if they might have been Witneſſes for the Priſoner, if *ſubpœna'd*, they might have been Witneſſes for him even without asking; and it was a Duty incumbent on them, tho not as Judges, yet as Chriſtian Men, ſo to be.

Humanity commands the Diſcovery of Truths, which prevent the ſhedding innocent Blood; and Chriſtianity commands a Man to do as he would be done by. I think the Queſtion need not be ask'd what they would have had done, if it had been their Caſe.

All Law Matters ſhould be publick.

The Reaſon that all matters of Law are, or ought to be tranſacted publickly, is, that any perſon, unconcern'd as well as concern'd, may, as *amicus Curiæ*, inform the Court better, if he thinks they are in an Error, that Juſtice may be done: and the Reaſon that all Trials are publick, is, that any Perſon may inform in point of Fact, tho not *ſubpœna'd*, that Truth may be diſcover'd in civil as well as criminal Matters.

There is an Invitation to all Perſons, who can inform the Court concerning the Matter to be try'd, to come into Court, and they ſhall be heard. It is true, if the Judges or any Perſon had teſtify'd what *Rumſey* ſaid at my Lord *Ruſſel*'s Trial, it had not been Evidence without the Record of the Trial; and it is as true, that neither the Record, nor a true Copy of it could have been procur'd between Mr. *Corniſh*'s Commitment, if it were on *Friday* (as I have heard it was) tho the Court ſaid it was on *Tueſday*, much leſs between the notice of his Trial which was *Saturday-noon*, and the time of his Trial which was *Monday-morning*.

Injuſtice in ſpeeding Mr C's Trial.

But then what Juſtice was there in ſpeeding his Trial, ſo as to deprive him of the Circumſtances of his Defence? for that was but a Circumſtance, and not an eſſential Matter. And what account can be given why the Court, when they were well ſatisfy'd that it was in the Priſoner's power to procure ſuch a Witneſs, and ſuch a Record, did not ſtay till he did it? or if it would be too long in doing, why ſhould they not have put off the Trial for that time, and given the Priſoner a convenient time to do it?

The firſt in civil Matters hath been frequently done, when a Deed or Witneſs hath been wanting, if it could be done in a convenient time, and a Trial has been put off before it came on, tho after it came on they have not done it, becauſe there is no great Miſchief in that, for either Party hath Power to bring it about again; but not ſo in capital Matters, and therefore Jurys in capital Matters have been frequently diſcharg'd after ſworn, where the Evidence hath been defective.

When a Jury cannot be diſcharg'd without a Verdict.

It is true, my Lord *Coke* ſaith that a Jury once charg'd with a Priſoner cannot be diſcharg'd but muſt give their Verdict; but it is as true that he ſays ſo in favour of the Priſoner, that when the Evidence againſt him appears defective, he ſhall not be continued a Priſoner till more Evidence can be found, or procur'd againſt him, tho the Practice of late days hath been quite contrary, *viz.* to diſcharge the Jury where the Evidence againſt the Priſoner hath been defective, but enforce them to give a Verdict where the Priſoner's Defence hath been defective, tho to their Knowledg if he had longer time to do it, he had been able to produce the Witneſſes who could clear him, but by what Law or Reaſon I am to ſeek. Yet I confeſs, if *Rumſey*'s owning his Perjury in the Lord *Ruſſel*'s Trial, in the very point ſworn againſt the Priſoner, and ſo frivolouſly excuſing it, would not diſcredit him, I know not that any Record, Witneſs, or Evidence would have avail'd Mr. *Corniſh*.

And

And add to *Rumſey*'s contradicting himſelf, that *Sheppard*, who never contradicted himſelf, and had been a Witneſs in both Trials, agrees, that what *Rumſey* had ſworn in my Lord *Ruſſel*'s Trial as to Mr. *Corniſh*'s not being there, was true.

But admitting *Rumſey* had never perjur'd himſelf, but was of equal Credit with *Sheppard*, yet when they contradicted each other in a point, which carried no probability or improbability with it, in a capital Matter the Jury ought to believe *in favorem vitæ*; for it makes the matter at leaſt doubtful: and therefore the Jury ought to have acquitted the Priſoner, for a reaſon in Law, and which was given in Col. *Sidney*'s Trial (tho ſhewiſhly) by the Court, *viz.* that it is better that 20 Nocents ſhould eſcape than one Innocent ſuffer.

Doubtful matters to be conſtrued in the Priſoner's favor.

But to paſs from the credibility of the Witneſs to the matter of his Evidence, this was the ſecond time that this ſort of Evidence in any Caſe Criminal or Civil was permitted to be given in Evidence; and there are the ſame Exceptions to it, as are above aſſign'd to the Evidence of *Sheppard*. As to the Declaration in my Lord *Ruſſel*'s Trial, if a true Copy of part of a Deed or Writing was never yet permitted to be given in Evidence, much leſs hath or ought the purport of part of a Writing be given in Evidence, eſpecially when ſuch a reaſon is given why the Witneſs remembred but part of it, as is given by *Sheppard* in my Lord *Ruſſel*'s Trial, and by *Rumſey* in this Trial, *viz.* that he did not hear all the Paper read.

And ſurely *Goodenough* could no way fortify *Rumſey*'s Evidence, being clearly of another matter, and that ſo very uncertain that no heed ought to have been given to it. When *Goodenough* told Mr. *Corniſh* ſomething ought to be done in the City, but in the firſt place the *Tower* ought to be ſeized, to which he anſwered he would do what he could, or what good he could, theſe words may as well relate to *Goodenough*'s precedent diſcourſe, where he complains that the Law would not defend them tho innocent, as well as to the ſeizing the *Tower*; and if they ſhould refer to the laſt, yet they may well enough be interpreted, that he would do what he could, or what good he could, to prevent the ſeizing the *Tower*: and if they are capable of two Senſes, they ought to be interpreted in the beſt for the Priſoner.

Inſtanc'd in Mr. C's Caſe.

Beſides, the Words are ſpoken not as a thing deſigned, but as a matter without which all other matters were in vain, and might be mere matter of diſcourſe, as was that between *Blague* and Mate *Lee* about taking the *Tower*: and if there was ſuch a Deſign on foot, it doth not appear that Mr. *Corniſh* was ever acquainted with it. The ſame may be ſaid as to what he asked *Goodenough*, when he ask'd how Matters went: may not thoſe words well enough be applied to the buſineſs of the Riot, *Goodenough* managed for Mr. *Corniſh* and others? And if what *Goodenough* ſaid was Evidence of a Deſign of ſeizing the *Tower*, that as well as the Treaſon againſt the Guards was Treaſon by the Act of the late King, and not by the 25*th* of *Edward* the Third, if it be true Doctrine which was laid down in the Charge to the Earl of *Shaftsbury*'s Grand Jury: and if ſo, he ought to have been proſecuted for it within ſix Months, and indicted within three Months, if the Doctrine in *Colledge*'s Trial be true; and yet this Deſign, if true, was in *Eaſter* Term 1683. and the Proſecution not till *October* 1685.

There was yet one piece of Evidence urged againſt him, *viz.* of his own Witneſs *Sheppard*, who poſitively teſtified for him as to the main, yet in a Circumſtance ſeem'd to teſtify againſt him, which was Mr. *Corniſh*'s being at his Houſe when the Duke of *Monmouth* and the reſt were there, when the Declaration was read; and upon that piece of Evidence, as if it had contradicted what Mr. *Corniſh* ſaid before, there was a mighty Triumph: whereas the moſt that could have been made of it was that Mr. *Corniſh* in part of his Defence was guilty of an untruth, and even that was not ſo in Fact; for being charged to have been at *Sheppard*'s the Night the Declaration was read, he anſwered he was never at a Conſult in his Life, he never was at *Sheppard*'s in any Conſult, he never was there with my Lord *Ruſſel*, as he remembred; he had been at *Sheppard*'s ſeveral times, but never liked *Ferguſon* for his Morals, and therefore never liked to be in his Company, and he did not know but that he might enquire for the Duke of *Monmouth* in other Places, and this is all Mr. *Corniſh* ſays to that matter.

No real contradiction between Sheppard's Evidence and what the Priſoner ſaid.

Sheppard ſays, Mr. *Corniſh* came into his Houſe at one of the Meetings to ſpeak with the Duke of *Monmouth* or ſome other, he could not be poſitive in that, it was ſo many Years ago, and did not ſtay half a quarter of an hour; he could not ſay it was the night the Declaration was read; he did not know whether Mr. *Corniſh* came

came to ſpeak with the Duke of *Monmouth* or not; he could not remember whether Mr. *Corniſh* was there in Company when *Rumſey* was there; there were not above three Perſons there when Mr. *Corniſh* came, which was the Duke of *Monmouth*, Mr. *Ferguſon*, and he could not tell whether the other was the Lord *Ruſſel*, or the Lord *Gray*.

Now it would be hard to find out the Contradiction between Mr. *Corniſh*'s Sayings and *Sheppard*'s Evidence; both agree that Mr. *Corniſh* hath been often at *Sheppard*'s Houſe, and neither denies or affirms that he was or was not there the Night the Declaration was read, for a good reaſon, which was, that Mr. *Corniſh* knew nothing of it, and *Sheppard* knew not which of the Nights he was there: Mr. *Corniſh* ſaid he was not there with my Lord *Ruſſel* as he remembred, and *Sheppard* doth not affirm he was there with the Lord *Ruſſel*; *Sheppard* ſays he was there when the Duke of *Monmouth* was there, and Mr. *Corniſh* doth not ſay that he was not there with the Duke of *Monmouth*; *Sheppard* ſaid, he ſpoke to the Duke of *Monmouth*, or ſome other Perſon, but he thought it was the Duke of *Monmouth*, which is no direct Affirmation that he ſpoke to the Duke; and Mr. *Corniſh* doth not ſay, he did not ſpeak to the Duke of *Monmouth*. So that if the Account of the Trial, ſet out by the Authority of, and ſigned by *Thomas Jones*, be true, I cannot ſee any manner of Contradiction between Mr. *Corniſh* and *Sheppard:* and therefore, as the Court and King's Counſel did infer, that *Sheppard*'s Evidence, who poſitively denies the Truth of *Rumſey*'s Evidence, was ſo far from invalidating, that it corroborated *Rumſey*'s Evidence, and cleared the thing which was before ſomewhat dark, beyond all manner of Contradiction, is a piece of effrontery; ſo admitting *Sheppard* had ſaid Mr. *Corniſh* was at his houſe the night the Declaration was read, and had contradicted Mr. *Corniſh*, is it a neceſſary Conſequence, that he heard the Declaration read, and promiſed his aſſiſtance to it? which muſt be the inference, if it muſt ſupport *Rumſey*'s Evidence.

Effrontery of the Conrt and King's Counſel.

If it be not a neceſſary Conſequence, but a probable one, that ought not to weigh with a Jury, to convict a Perſon of a capital Crime, eſpecially not of Treaſon. The Statute of *Edward* the Third ſays, probably Convict, that is, ſays my Lord *Coke*, convicted upon direct and manifeſt Proof, not upon probable conjectural Preſumptions, or Inferences, or Strains of Wit: And to ſay truth, when Verdicts have been given on ſuch Evidence, they have been often faulty.

Probable Conſequences ought not to convict in Treaſon.

To give ſome Inſtances of many, it is remembred in our time where Perſons were convicted of the Murder of a Perſon abſent, but not dead, barely by Inferences upon the Evidence of fooliſh Words and Actions; but the Judg before whom it was tried, was ſo unſatisfied in the Matter, becauſe the Body of the Perſon ſuppoſed to be murdered was not to be found, that he reprieved the Perſons condemned; yet in a Circuit afterwards, a certain unwary Judg, without inquiring into the Reaſons of the Reprieve, ordered Execution, and the Perſons to be hanged in Chains, which was done accordingly, and afterwards, to his Reproach, the Perſons ſuppoſed to be murdered appeared alive.

Inſtances to prove it.

My Lord *Coke* relates a like Story in his Time, of an Uncle who beat his Niece that had an Eſtate, which on her Death would deſcend to him; the Girl was heard to cry, good Uncle do not kill me; after which ſhe ran away, and conceal'd her ſelf ſome few Miles from *London:* the Girl being miſſing, and the Neighbours remembring the Cry of the Girl, and tacking it to the Probability that the Uncle might be induced, for his Advantage, to murder his Niece, apprehends him, and he was indicted for it at the Seſſions; and the Judges being unſatisfied in the Evidence, by reaſon the Body of the ſuppoſed murdered Girl did not appear, the Uncle ſaying that ſhe was run away, they gave him time to the next Seſſions to find her out, which he being not able to do, thought to defend himſelf by producing another Girl very like his own Niece, which he did accordingly; and being detected, it increaſed the Suſpicion, and by Inferences from all thoſe Circumſtances, he was convicted, and afterwards executed.

Some Years after which the Girl appeared, and claimed her Eſtate: and therefore it is a moſt dangerous and unwarrantable thing for a Jury, in capital Matters, eſpecially in Treaſon, to convict a Perſon upon the Evidence of Probabilities.

As the Evidence in this Caſe againſt the Priſoner was weaker than in any of the precedent Caſes, ſo the uſage of the Priſoner was more rigorous than in any of them:

them: in all the other Caſes, the Priſoners had more Weeks allowed them to prepare for their Trials, than this Perſon had Days; all the other Perſons, after notice of Trial, were permitted to have Friends, nay Counſel, freely come to them, and confer with them in private, without the preſence of a Goaler, which was denied this Perſon; all the others, except Col. *Sidney*, had ſoft Words given them on their Trials, but this Perſon was rudely handled. *The Priſoner's uſage harder then others.*

How often was he ſnub'd and bid hold his Tongue? How often did he beg the Patience of the Court, to hear him and his Witneſſes? and when he was heard, how was all he ſaid ridicul'd? and if he ſaid he was innocent, he was bid remember my Lord *Ruſſel* ſaid ſo to his Death; when he ſaid he was as innocent as any Perſon in the Court, he was told, for all his Confidence few believed him. If he ſaid the Matter ſworn againſt him was improbable (which hath been taken for a pretty good Topick for the disbelief of a Matter teſtified) how is it ridicul'd by *Improbability*, *Improbability*, *Improbability?* If he go to prove he is an honeſt Man, he is told that is all Appearance. If he ſays he employed *Goodenough* about the Riot, he is told that is a Branch of the Plot. If he call Mr. *Goſpright* as a Witneſs for him, the Witneſs is reproached with having helpt the Priſoner in packing Juries: If he call one to prove he received the Sacrament, he is told, that was in order to qualify himſelf to be a Sheriff. And as was his uſage before and at the Trial, ſuch was it afterwards: to order him to be tied when he was ſentenc'd, was an Indignity not uſed to Perſons of his Quality; a thing indeed permitted, not commanded to be uſed, on boiſtrous Criminals, who may be ſuſpected to do a ſudden Miſchief, if their Arms were at liberty. *Was often ſnub'd and ridicul'd.*

Of like kind was the Reproaching him with the Chearfulneſs of his Countenance at his Condemnation: and that it might be all of a Strain, his Quarters were expoſed, a Severity us'd to none abovemention'd, but Sir *Thomas Armſtrong*. In all theſe Trials *Colledge* made the beſt Defence, and perhaps, the Circumſtances conſidered, the beſt Defence ever made upon an Indictment of a Capital Matter: and Mr. *Corniſh*'s was the weakeſt, tho it ſignified nothing; for I believe that none who reads his Trial, but will plainly ſee he was ſo beſet, that the Defence he, or any for him could make, would have availed him nothing; and no Account can be given for the Proceedings againſt Mr. *Corniſh* in the above manner, but that ſome of the Judges, whereof three of them were then on the Bench, had been newly come out of the *Weſt*, where they had been ſo fluſht and harden'd, that nothing ſeemed to them Rigorous or Cruel, and the reſt ſeemed to vie with them in the Practice. *Was reproach'd.* *His Defence but weak.*

Remarks on Mr. Bateman's *Trial.*

The Grounds of his Proſecution.

THE laſt Perſon who concluded the Tragedy, was one *Charles Bateman* a Chirurgeon: His Demerits were, that he had been, or at leaſt was reputed to have been Chirurgeon to the Earl of *Shaftsbury*, and one whom his Lordſhip had a kindneſs for; and therefore, according to the Cant of the Time, he was call'd *a Factious Fellow*; and he had reviv'd the Memory of his Demerits, by attending when *Oates* came from his Whipping, and letting him Blood. Whether either of thoſe Circumſtances were true or not, I know not, but they were believ'd; and therefore the *9th* of *December* 1685. he was indicted and try'd for High-Treaſon. On his Trial he ſeem'd to be diſtracted, and therefore out of abundance of Charity, the Court appointed his Son to make his Defence for him.

The Evidence given.

The Witneſſes againſt him were *Keeling*, who only ſpoke of a Deſign in general, without mentioning *Bateman* to be concern'd in it. *Thomas Lee* and *Richard Goodenough* ſwore, at ſeveral Times and Places, his diſcourſe to them ſeverally, of ſeizing the *Tower*, *City* and *Savoy*. *Baker* for the Priſoner ſaid, *Lee* in the Year 1683. would have had him inſinuated himſelf into the Priſoner's company, and diſcourſe about State Affairs, and by that he would find a way to make *Baker* a great Man. Upon the Evidence the Priſoner was found guilty. Againſt *Goodenough's* Evidence there is only this to be ſaid, that he was pardon'd but ſo far only, as to qualify him to be a Witneſs, tho not a very credible one; not only the Guilt ſticking to him, but even the Puniſhment of what he had then lately done hanging over his head: and what was ſaid for ſome time, of all the Witneſſes for the King at that time, and for ſome time before, was true, they hunted like Cormorants with Halters about their Necks, tho even that Matter by one of the King's Counſel was boaſted to the Jury as a Circumſtance of more Credibility; for he aſſur'd them there was not a Witneſs which he produc'd had a Pardon, as the Witneſſes in the Popiſh Plot had. 'Tis true, in the Popiſh Plot, upon very good reaſon, the Witneſſes having confeſs'd what they pretended to know, of Matters in which they had a hand, it was not thought proper to uſe them as Witneſſes, tho they had us'd them as Informers, till they were pardon'd, leſt it might happen to be, or at leaſt it would have been ſuſpected, that the Terror of the Puniſhment of the Crimes confeſs'd might influence them to ſwear falſly to the jeopardy of other Mens Lives to ſave their own, which, as the Lord *Howard* truly ſaid, was the drudgery of Swearing.

Goodenough's *conſider'd.*

Lee's *conſider'd.*

But to *Lee*'s Evidence, beſides the Evidence of *Baker* againſt him, that he would have procur'd *Baker* to have been a Witneſs againſt the Priſoner, and enticed him with the promiſe of making him a great Man; and beſides that it appears in *Rouſe* his Trial, that *Rouſe* and he were upon the Trepan with each other, to bring each other into the pretence of a Plot, in order to make ſome advantageous diſcovery of it, of which *Lee* got the ſtart of *Rouſe*; the Objection which was made to his Evidence, Why *Lee* had not accus'd the Priſoner ſooner, there being near three Years between the pretended Deſign and the Diſcovery of it, was never ſatisfactorily anſwer'd. It was a fooliſh ſtory to ſay *Goodenough* could not be had before, and a ſingle Teſtimony in High-Treaſon was not ſufficient: Every one knows, that tho a ſingle Witneſs is not enough to convict a Man of High-Treaſon, yet a ſingle Perſon's Teſtimony is enough to commit a Perſon accus'd, and upon Conviction on the Teſtimony of a ſingle Witneſs, to make him a Priſoner for his Life, witneſs Mr. *Hamden* and others, beſides the ſubjecting him to other corporal Puniſhments inflicted at diſcretion, witneſs Mr. *Johnſon* and *Oates*; and in 1683. when the words were pretended to be ſpoken, *Bateman* had not been ſpared if accus'd. And tho it be a good Reaſon for the Court to have given why they did not proceed againſt the Priſoner till that time, becauſe there were not two Witneſſes againſt him, yet it was no reaſon for *Lee* why he did not accuſe the Priſoner before that time, eſpecially he having been ſeveral times before that examin'd, not only of what he knew, but of what Perſons he knew concern'd. But to ſay truth, *Lee* in the Trial did not pretend to anſwer the Objection, but the Court in the manner before endeavour'd to anſwer it for him.

The

The laſt Matter obſervable in this Trial, was the permitting *Bateman*'s Son to make his Father's Defence, which was an extraordinary unparallel'd favour, it was the firſt and laſt time that, or any thing like it, had been done; the Lord *Ruſſel*'s Lady indeed was permitted to take Notes at the Trial for her Lord, but he only was permitted to make uſe of them. *Fitzharris* his Wife when ſhe but whiſper'd her Husband, or but told him what Jurors he ſhould challenge, and what not, was ſeverely corrected, and threatned to be thruſt out of Court, for doing it in prejudice of the King. In *Colledge*'s Trial, he was told that Perſons that advis'd a Priſoner in Treaſon, even before a Trial, were guilty of a high Miſdemeanour; nay, a Sollicitor had been indicted of High-Treaſon for it: and therefore nothing can excuſe the allowing the Priſoner Counſel in matter of Fact, as was done in this Caſe (it is not material, whether the Son was a Bariſter at Law or not) but the weakneſs of the Priſoner, who to all appearance was mop'd mad.

The Priſoner's Son allow'd to plead for him.

The Priſoner mop'd mad.

But the Court by excuſing their Favour upon that account incurred a worſe Cenſure; for nothing is more certain in Law, than that a Perſon who falls mad after a Crime ſuppos'd to be committed, ſhall not be try'd for it; and if he fall mad after Judgment, he ſhall not be executed: tho I do not think the reaſon given for the Law in that Point will maintain it, which is, that the End of Puniſhment is the ſtriking a Terror into others, but the execution of a Madman had not that effect; which is not true, for the Terror to the living is equal, whether the Perſon be mad or in his Senſes; and that is the reaſon of breaking the Perſon executed for Treaſon, and expoſing his Quarters, which is done rather to deter the living, than for puniſhing the dead. But the true reaſon of the Law I think to be this, a Perſon of *non ſana Memoria*, and a Lunatick during his Lunacy, is by an Act of God (for ſo it is call'd, tho the means may be humane, be it violent, as hard Impriſonment, terror of Death, or natural, as Sickneſs) diſabled to make his juſt Defence, there may be Circumſtances lying in his private Knowledg, which would prove his Innocency, of which he can have no advantage, becauſe not known to the Perſons who ſhall take upon them his Defence; and that is the reaſon many civil Actions die with the Perſons againſt whom they lay in their Life-times, and that is the reaſon why in criminal Matters, Perſons by ordinary courſe of Law cannot be convicted after their deaths.

A madman incapable of being try'd.

The reaſon why.

For in all civil Actions there is as much reaſon for the Perſon injur'd, to have ſatisfaction out of the Eſtate of the Perſon who injur'd him, in the hands of his Heir or Executor after his death, as there was to have it out of the Eſtate of the Injurer in his own hands in his Life-time: and there is as much reaſon that the Heir or Executor of a Perſon who hath committed a Crime, which by Law would have forfeited his Eſtate, if in his Life-time he had been attainted of the ſame, ſhould forfeit the Eſtates they claim from him, as if he had been attainted in his Life-time, which had prevented the ſaid Eſtates veſting in them. And it hath been ſometimes practis'd, where the Crimes of the Perſons deceas'd have been notorious; and without any doubt, as was the Caſe of ſeveral Perſons mention'd in the Act of Pains and Penalties; which Act had Example from many other Acts of Parliament in other Reigns, where the Perſons were dead before Puniſhment overtook them.

The parallel in civil Matters.

And tho of late Years it hath been pretended, that the King's Safety depends upon the ſpeedy Trial and Execution of a Perſon guilty of High-Treaſon; yet this was never thought ſo heretofore, nor in truth in it ſelf is ſo: for it is plain, in Reaſon as well as Experience, that what is ſaid of Witches is true, of all Malefactors when once they are in Cuſtody, their Power of doing Miſchief ceaſes.

If the King's ſafety requires ſpeedy execution on Criminals.

The King is therefore no otherwiſe benefited by the deſtruction of his Subjects, than that the Example deters others from committing the like Crimes; and there being ſo many to be made Examples of, beſides thoſe on whom the misfortunes of Madneſs falls, it is inconſiſtent with humanity to make Examples of them; it is inconſiſtent with Religion, as being againſt Chriſtian Charity to ſend a great Offender quick, as it is ſtil'd, into another World, when he is not of a capacity to fit himſelf for it. But whatever the reaſon of the Law is, it is plain the Law is ſo; and for remedying it in High-Treaſon, was the 33*d* of *Henry* the Eighth made, whereby it is enacted, That if a Man fall mad after he hath committed High-Treaſon, he ſhall notwithſtanding be try'd in his abſence; and if a Man fall mad after he is attainted of High-Treaſon, he ſhall notwithſtanding be executed. Which Statute extending only to High-Treaſon, the Law continu'd, and yet is as it was at Common Law in all other capital Matters; and even that Statute was call'd a cruel and inhumane

Execution is to deter others.

The Law about madmen guilty of Treaſon in Hen. 8. *Time.*

Cenſur'd & repeal'd. inhumane Law, and therefore liv'd not long, for it was afterwards repeal'd: ſo that the Law as to this Matter, when this Man was try'd and executed, was as it was at Common Law; and therefore if he was of *non ſana Memoria*, he ought not to have been try'd, much leſs executed.

Objections anſwer'd. I know it will be objected, that if this Matter of *non ſana Memoria* ſhould be permitted, to put off a Trial or ſtay Execution, all Malefactors will pretend to be ſo: But I ſay there is a great difference between Pretences and Realities, and *ſana* and *non ſana Memoria* hath been often try'd in capital Matters, and the Priſoners have reap'd ſo little benefit by their Pretences, it being always diſcover'd, that we rarely hear of it. In this Caſe the Priſoner might have been try'd as well abſent as preſent, according to that repeal'd Statute, for any advantage he did or could reap by being preſent: and it ſeems very probable the Court thought him diſtemper'd; for if he was of ſane Memory, his Son ought not to have been permitted to make his Father's Defence; if he was diſtemper'd, he ought not to have been try'd, much leſs executed. And this Perſon being the laſt Man, as far as I can remember, or can find by the printed Trials, who ſuffer'd for the Plot of High-Treaſon firſt ſet on foot by *Fitzharris*, and carry'd on againſt *Colledge*, and the other Perſons herein mention'd; and the Deſign ſtopping here, I think fit to end my *Remarks* on the Proceedings of all Capital Matters with him. But I think it is fit for me to make ſome Apology for the thing, and for my ſelf, for taking on me to cenſure the Opinions and Actions of Perſons whoſe Characters carry'd Authority with them. I confeſs I never thought that either the great Seal or a Garment added to a Man's Senſe, Learning or Honeſty; but he remain'd juſt ſuch as to thoſe Qualities after his preferment as he was before: and as to many of the Perſons reflected on in theſe Remarks, the Cenſure of Col. *Sidney* was true; and for the beſt of them, it is plain they not only vary'd from one another in their Opinions, but even from themſelves in the Judgment of the ſame Caſe, but always tending to the deſtruction of the Perſon try'd for his Life, witneſs the Opinion of the Court in the Challenge of Jurors not having a Freehold, and the deſigning to levy War not Treaſon within the Statute of *Ed.* 3. and forty other Matters. And that not only gives a liberty to enquire, but naturally puts one upon the enquiry which of the two Opinions is right; tho it is impoſſible for one not to think meanly of the Perſon, who in ſo great a Concern as a Man's Life, ſhould be ſo raſh as to give his Opinion without conſideration, or ſo unſteddy as to give different Opinions in the ſame Caſe: for if the Truth of a Man who tells Hiſtory backward and forward, is juſtly ſuſpected in point of Truth, the knowledg and ſincerity of a Man, who gives different Opinions in the ſame Caſe, is juſtly ſuſpected in point of Law, which together with the fulſom, but injurious ſtuff vented for Crown-Law, was the firſt Matter which put me on conſidering and writing what I have done.

"Lord Winton" in 1717.

The Priſoner being mad, ought not to be try'd or executed.

Was the laſt Perſon executed for High-Treaſon.

The different Opinions of the Court in the ſame Caſe, cenſur'd.

Why the Author undertook this Work.

His Apology for himſelf. And for my ſelf, if *Tully* thought it a Reproach to his Son if he did not abound with Philoſophy, having heard *Cratippus* for the ſpace of a whole Year, and that at *Athens*; ſurely one who hath had his Education at one of the three great Schools for ſome Years, and afterwards at the Univerſity, and laſtly twenty five Years conſtant reſidence in an *Inns* of *Court*, and twenty Years attendance at *Weſtminſter-Hall*, and not diverted by the uſual Employs of a *Sollicitor* or *Attorney*, may be allow'd without the imputation of Confidence to give his *Cenſure*, upon Conſideration, on the *extempore* Judgments or Opinions of *Perſons*, tho of greater Standing and Character than Himſelf.

An

An Answer to the late King James's *Declaration to all his pretended Subjects in the Kingdom of* England.

Dated at Dublin-*Castle*, May 8. 1689.

Order'd by a Vote of the Right Honourable the House of Commons, to be burnt by the Common-Hangman.

WHEN one reflects upon the continued Conduct of the late King *James*, both before and after his Accession to the Crown, and the dismal Consequences thereof to these three Kingdoms, and at last to himself; I cannot but regret the Fate of those Princes that abandon their true Interest, Reason, Conscience and Honour, to *Jesuitick* Counsels, and enslave themselves to a Party, justly abominated by the better part of the *Romish* Church it self, for their gross Encroachments upon Religion, Morality, and all that's Sacred among Men. When I look back to the many Tragedies acted by that Fraternity, both in this and the last Age, scarce a Kingdom or State in *Europe* where their Villanies have not come up to the utmost reach of depraved Nature. When I call to mind the horrid Desolations, Murders and Wars they have been instrumental of, in the most remote parts of the World; witness some Millions of Souls in *Japan*, and other parts of *Asia*, sacrific'd not many Years ago to their Ambition and Intrigues, under the Notion of propagating the Catholick Faith: I say, when I consider all these things, I am the less surpriz'd with the dismal Effects of their Counsels in *England*, since the same Fate attends them every where. But I must confess, That among all the Martyrs to *Loyola*'s Principles, there is none more justly claims our Compassion than the late King *James*. To see a Prince, naturally of no bad temper, impos'd upon by these zealous Bigots, to trample upon the Religion and Liberties of his People, contrary to Fundamental Laws, and the most solemn Promises and Oaths, under the false Mask of Piety and Zeal to the Catholick Faith; and at length to find him seduc'd to abandon his Kingdoms, and thereby an absolute necessity put upon the Representatives of the People to fill up his Throne vacated by his own Fault, is a Subject that naturally displays the Vanity of human Greatness. And I may add, That the unaccountable Doctrine of *Passive Obedience*, as it was the Source of a great many Mischiefs among our selves, so what has befallen that King, may be partly imputed to it; for the believing, That without controul he might do what he pleas'd, encourag'd him to take such Measures as have brought upon him all his Misfortunes. I cannot but at the same time represent to my self, with that emotion of Mind the affrighted Passenger looks back upon the devouring Billows he has lately escap'd, the dismal Scene of Ruin that so lately threatned us, and that Abyss of Misery we had certainly been plung'd into e're now, if his present Majesty had not opportunely deliver'd us from the very Jaws of Death and Ruin.

Perniciousness of Jesuitical Counsels.

Passive Obedience Doctrine unaccountable.

That any of the Protestant Persuasion at home should be found Repiners at this mighty Deliverance, is, in my humble Opinion, an unaccountable piece of Ingratitude and Weakness at once; when all the Reform'd States abroad look upon this great Revolution in *Britain*, as the most happy Providence that has appear'd on the Theater of *Europe* this Century of Years. The late mighty Enterprize of his Majesty was the Result of the united Consultations of all the Foreign Protestant States and Princes in this part of Christendom; who settled upon it, as the last Cast of the Dye, for their Religion and Liberty; and with a trembling Expectation made Vows to Almighty God for the Success of an Attempt they wisely foresaw carry'd

in

in its Womb the Fate not only of theſe three Kingdoms, but of all the Reformed Churches of *Europe*.

Who are Lovers of Slavery.

When Heaven had ſmil'd upon this ſtupendous Attempt, and had, beyond the uſual Tract of Providence, vouchſafed us a Deliverance ſcarce equal'd in the Records of Time; Who would have imagin'd that *England* ſhould produce ſuch a ſort of Monſters, as ſeem to be in love with Slavery and Ruin, the neceſſary Conſequences of their Folly? And that there are ſuch a ſort of Men, we have a plain Demonſtration in theſe unhappy Wretches that have ſo induſtriouſly diſpers'd through this great City that Paper call'd, *King* James *his Declaration to all his Loving Subjects in the Kingdom of* England. A Paper I could have wiſh'd for King *James*'s own Honour had been buried in Eternal Oblivion, ſince it contains a heap of Falſities that was below a Prince to affirm, and which are known to be ſo by no fewer than the People of three Kingdoms.

In giving my Reflections upon this Declaration, the Reſpect due to one that was lately a crown'd Head, with ſome other juſt Motives, obliges me to do it with more reſervedneſs than perhaps ſuch a Paper deſerves: and inſtead of a needleſs expoſing a Prince, that has his Honour too much ſunk already in the Eyes of all *Europe*, I ſhall, with all the Calmneſs and Candor poſſible, examine the Declaration it ſelf, without Reflections upon the Prince whoſe it is; and ſhall not omit one ſingle Sentence in it, that can be interpreted even by Himſelf of any conſequence.

Thus his Declaration begins, ‘ Altho the many Calumnies and diſmal Stories, by ‘ which our Enemies have endeavour'd to render us and our Government odious to ‘ the World, do now appear to have been advanc'd by them, not only without any ‘ ground, but againſt their own certain knowledg; as is evident by their not daring ‘ to attempt the proving theſe Charges to the World, which we cannot but hope ‘ hath open'd the Eyes of our good Subjects, to ſee how they have been impos'd upon ‘ by deſigning Men, who to promote their own ambitious Ends, care not what Slavery ‘ they reduce our Kingdoms to. It ſeems King *James* continues in his wonted road, of taking wrong Meaſures both of Perſons and Actions, which has been the Occaſion of all his Misfortunes. When he talks of his Enemies, that have rendred him and his Government odious to the World, he miſtakes himſelf, if he means thoſe worthy Patriots, that being weary of his inſupportable Incroachments upon the religious and civil Liberties of theſe Nations, did lend a hand to deliver themſelves and Fellow-Subjects from a Ruin that ſeem'd almoſt inevitable. But if he had been at the pains to take an impartial Survey of his own Actings, and the pernicious Counſels of a ſort of Men about him, he might eaſily come to know, that his only and real Enemies were thoſe Popiſh Emiſſaries, that valu'd not how much his Honour ſuffer'd, nor his Crown were indanger'd, if ſo be they might bring about their own hidden Deſigns; and were willing to ſacrifice both him and his Intereſts to their own by-ends: Never Prince was ſo unhappy in his Cabinet-Council as he; and that *falſe Light* which led him to imploy none about him, with any Intimacy of Confidence, but thoſe of his own Perſuaſion, prov'd an *Ignis fatuus*, that cheated him into Paths never trod by any of his Predeceſſors, but to their Deſtruction. If he had been ſo happy, as to have continu'd in his moſt Secret Councils a great many Perſons of the reform'd Religion, whom he kept at a diſtance, tho to amuſe the Nation he allow'd them the empty Names of Privy Counſellors; he had not brought three Kingdoms to the brink of Ruin, nor upon himſelf ſo hard a fate. Yet I muſt acknowledg ſome part of the Obligation we have to theſe Gentlemen, that of late had the ſole Conduct of King *James* his Affairs: For in giving him ſuch Counſels as his greateſt Enemies could have wiſh'd him, they prov'd the Occaſion of our being at this day happy under the auſpicious Reign of their Majeſties, being Princes of the ſame Religion and Intereſts with their People; and we may juſtly ſay, as *Themiſtocles* of old, *We had undoubtedly periſh'd, if we had not periſh'd.* How little is King *James* oblig'd to his Secretary that penn'd this Declaration, ſince he ſo fooliſhly takes up the Remembrance of thoſe things that made him and his Government odious to the World, by the Names of Calumnies and Stories, which it was ſo much his Maſter's Intereſt to bury in ſilence? Good God! Were the late palpable and barefac'd Incroachments upon the Fundamental Laws of the Nation, but Calumnies? Were the open Violations of ſolemn Oaths, Promiſes and Ingagements, but Stories? Does King *James*, or his *French* and *Iriſh* Counſellors imagine, that we have ſo ſoon forgot his *Promiſes made in Council* not many hours after his Brother's Death, and his conſpicuous Breaches of them not many months thereafter? Can we allow our ſelves to forget, that all the Truſts bothin *Court*, *Bench*, *and the Army*,

King J. his wrong Meaſures.

His only real Enemies who.

Army, were fill'd up with theſe very Men, whom reiterated Laws had rendred incapable of them? Was a *Perſon's ſitting at the Council-Board*, whoſe very being found in *England* was Death by the Law, but a mere Calumny? Can a few months be able to obliterate the Memory of that Affair of *Magdalen Colledge*, one of the moſt open Invaſions of Property that could be? Have we loſt the Remembrance of that Illegal *Eccleſiaſtical Court*, and the Tyrannick Judgments paſt therein? Have we not ſeen a *Reverend Prelate* ſuſpended from his Function, merely becauſe he would not do what he could not, that is, for not condemning a Man unheard? Have not we ſeen ſeven of the *Spiritual Peers* of *England* ſent Priſoners to the *Tower*, and brought as Criminals to the Bar, for barely repreſenting the Reaſons why they could not obey an Arbitrary Command, contrary to their Conſcience? Both *England*, and our neighbouring Nation have too many Reaſons, to remember the late King *James*'s aſſuming to himſelf an *Arbitrary and Deſpotick Power*, not only to diſpenſe with Laws, and the firmeſt Conſtitutions, but to act diametrically oppoſite to them. Can King *James*'s Oratory perſuade us, that the continuing to levy the *Cuſtoms and additional Exciſe* (which had been only granted during the late King *Charles*'s Life) before the Parliament could meet to renew this Grant, was but a Calumny? Was the ſtrange Eſſay of *Mahometan Government*, acted at *Taunton* and *Lyme*; and the no leſs ſtrange Proceedings of that bloody Chief Juſtice in his Weſtern Circuit (juſtly term'd *his Campagn*, for it was an open Hoſtility to all Law) for which, and the like Services, he had the Reward of the Great Seal; were they all but Stories? We have too good Reaſon not to forget the many Violences committed by the Soldiers of a ſtanding Army in moſt Parts of *England* and *Scotland*, which are the moſt ſevere and inſupportable Invaſions of Property.

K. James's arbitrary Acting.

Theſe, and ſuch like, with a great many more, were the things that rendred King *James*'s Government juſtly *odious to the* Britiſh *World*, and made theſe three Kingdoms groan after Liberty. If ſo grave and tragick a Subject could allow it, I could be almoſt tempted to laugh at that Expreſſion in the Declaration, of his Enemies not daring to attempt the proving theſe Charges to the World; which is all one, as if a Man in the ſevereſt fit of the Gout ſhould be deſir'd to prove that he has it, when the Senſe of the Pain proves too ſad a Remembrancer of his Diſtemper. And indeed, this part of King *James*'s Declaration merits no other Anſwer, than that of the *Philoſopher* to him who deny'd Motion, when making a ſtep up and down the Room, he vouchſafed him no other Refutation of his ridiculous Aſſertion, than theſe two words, *hicne Motus?* In fine, it will be equally impoſſible to perſuade the World, that theſe Actions, that rendred King *James*'s Government *odious to the World*, were but Calumnies and Stories, as to perſuade a Man upon the Rack, that he feels no pain. How unluckily have the Penners of this Declaration ſtumbled upon that Expreſſion, *of his Enemies not caring what Slavery they reduce the Kingdoms to: Quis tulerit Gracchos?* That King *James* had in a great meaſure enſlav'd theſe Nations, and was upon the ripening his Deſigns, in conjunction with *Lewis* the 14*th*, to teach us a *French kind of Subjection*, has appear'd in legible Characters by the whole Scheme of his Actings. But, ſince his preſent Majeſty's Acceſſion to the Throne, there is not the leaſt footſtep of Slavery left us; we are bleſt with a King that takes the Advice of his Parliament, and owns no diſtinct Intereſt from that of his People; a Prince, who to deliver us from Popery and Slavery, has ventur'd his *All*, and who by his Conduct at home, and his Allies abroad, is capable to render us happy, if our own Diviſions and Folly do not precipitate us into an inevitable and unpitied Ruin.

In the next place King *James* tells us, 'That ſince his Arrival in *Ireland*, the 'Defence of his Proteſtant Subjects (*as he calls them*) their Religion, Privileges and 'Properties, is eſpecially his Care, with the Recovery of his own Rights. And to 'this end, he has prefer'd ſuch of them, of whoſe Loyalty and Affection he is ſa-'tisfy'd, to places both of the higheſt Honour and Truſt about his Perſon, as well as 'in his Army. The reading of theſe linesputs me in mind of the Parallel ſo exactly obſerv'd betwixt the *French* King, and King *James*, in all their Conduct, and particularly in both their way of aſſerting the calm Methods us'd by them towards their Proteſtant Subjects. Tho that *Common Enemy of the Chriſtian part of* Europe (as the preſent Pope was pleas'd to call him) had outdone all the *Nero*'s, and *Julian*'s of old, in the art of Perſecution, and had render'd himſelf abominated to the World, by the Cruelties committed by his Dragoon Miſſioners upon thoſe very People that had done him the beſt Offices, and preſerv'd the Crown upon his Head in his Minority; yet at the very ſame time, *Lewis* the 14*th*, and his Miniſters, have had

Parallel betwixt K. J. and the Fr. K.

had the Impudence to affirm, that no other Methods were us'd to convert theſe poor Victims, but thoſe of fair Perſuaſion and Calmneſs. Juſt ſo King *James*, that he may follow as near his Copy as poſſible, having ſince his Arrival in *Ireland* abandon'd the Proteſtants of that Country to the mercileſs rage of an Enemy irreconcilable, from both a Principle of Religion and civil Intereſts, who within his View have laid deſolate whole Countries, and acted Barbarities proper only to themſelves, and their *French* Confederates; and by which they have forc'd away a great many Thouſands from their Country, at the point of ſtarving, having ſav'd nothing of their Fortunes from ſo univerſal a Calamity: Yet, notwithſtanding all this appears in the Face of the Sun, King *James*, that he may not come ſhort of his Patron, boldly affirms, that the Religion, Privileges and Properties of his Proteſtant Subjects (as he names them) are his chiefeſt Care over and above. What a groſs Contradiction is it to common Senſe and Reaſon, that a Prince bigotted to the *Romiſh* Religion, and enſlav'd to Jeſuitick Counſels, ſhould make that Religion, which in his Opinion is an *execrable Hereſy*, become his *equal Care* with what he calls the *Recovery of his Right?* Sure I am, in this Expreſſion he has mightily over-acted his part, and nothing but a belief capable to receive *Tranſubſtantiation* can be perſuaded of the fair meaning of it. If the Propoſition could poſſibly admit of a favourable Conſtruction, then it muſt neceſſarily follow, that King *James* is of another Communion than that of *Rome*, which were a great Injury done him to ſuppoſe, ſeeing he has given us ſuch convincing Proofs to the contrary: For every *Roman* Catholick is oblig'd to look upon the Proteſtants as *Hereticks*, and their Religion as *Hereſy*; and we have once every year the *imaginary Succeſſor of Saint Peter*, formally Curſing us in Perſon, and from his plenary Power declaring us to be fallen from all our Civil Rights. If King *James* had ſaid, the Proteſtants are his Care, meaning the Converſion of them to his Religion by the calm Methods of a Dragoon Miſſion, he would have found no great difficulty to have been believ'd. But to affirm that *that Peſtilent Northern Hereſy*, the Proteſtant Religion, *was his Care*, is indeed a ſtretch beyond the ordinary pitch of Jeſuitick Equivocation it ſelf. We have had occaſion enough to be acquainted with the Charity of the Church of *Rome* towards thoſe of our Religion; it has been both fervent and burning: And leſt we ſhould forget what has been done in former Ages, *France* and *Savoy* have of late ſet before us new Inſtances of the Charity of that Church. No doubt King *James*'s ſincerity in this Aſſertion, is the ſame with that of all his Promiſes: And, albeit when he was upon the Throne, we were told in ſome of his *Proclamations*, that we were bound to obey *without reſerve*; it's hardſhip upon hardſhip to be oblig'd, now when he is juſtly abdicated, to *believe without reſerve*.

Proteſtant Religion not King James's *Care.*

But, that we may the eaſier be perſuaded of King *James*'s care of the Proteſtants of *Ireland*, and their Properties, let us take a ſhort glance of the great Favours he has beſtow'd on them ſince his Arrival there. One would think, that a Man's *Eſtate, his Houſe, Furniture, his Arms, Mony, Chattels, and the like*, were included under the word *Property*: King *James* his Care has been ſo tranſcendently great of this ſort of Property, that there are at this day, in *England* and the neighboring Nations, Noblemen, Gentlemen, Clergy, Merchants and Tradeſmen, whoſe Eſtates, ſeized upon by King *James*'s Order, amount to more than four Millions of Pounds *Sterling*. If any doubt the Truth of this, I refer them to the Liſt and Account taken of the *Iriſh* Proteſtants by the Commiſſioners appointed by the King to that effect. Neither is there, at preſent, one ſingle Proteſtant within that Kingdom, that can rationally aſſure himſelf of one moment's poſſeſſion of what the barbarous *Iriſh* have left them yet undeſtroy'd. Who knows not, that upon weighty Reaſons, the Wiſdom of the Kings of *England* thought it very dangerous to truſt the Natives of *Ireland* with Arms, knowing from many ſad Experiences, they were a People impatient of the *Engliſh Yoke*, and ready to accept all Occaſions to throw it off? But King *James* treads quite another Path; inſtead of diſarming theſe his *darling Wild Iriſh*, they are the only People he can truſt, as knowing their furious Zeal to his Religion, and their hereditary hatred to the *Engliſh* Nation, render them fit Inſtruments to execute the Deſigns concerted betwixt him and his intimate Ally the *French* King: And which, to capacitate them the better to effectuate, he has wiſely diſarm'd beforehand, all the Proteſtants of that Kingdom, and prepar'd them ready Victims for their bloody Enemies, whenever it ſhall be time to give the Blow. I confeſs, it requires the greateſt ſtock of Patience, to hear one boldly affirm his Care of my Life, and at the ſame time to ſee him give me up, bound and defenceleſs, into the Hands of my cruel and mortal Enemies.

Properties of Iriſh *Proteſtants not regarded by him.*

There

There is another tranſcendent Inſtance of King *James*'s *Care of the Proteſtants in* Ireland, *their Religion, and Property*, which merits to be engraven in *Corinthian* Braſs to Poſterity. All that are in the leaſt acquainted with the Laws and Affairs of that Kingdom, know that the *Act of Settlement* is the great Security of the Proteſtants, their Religion and Properties, and the Fundamental Right they have to their Eſtates, conquer'd from the Rebellious *Iriſh* at the expence of their Blood and Treaſure. By this *Act*, the *laſting Landmarks* are fixt among the Proteſtants themſelves, and between them and the Natives. This is indeed the *Magna Charta* of the Proteſtants of *Ireland*, and the true *Baſis* of their Liberties and Properties; upon the taking away of which, the Superſtructure muſt tumble to the ground. Now King *James*'s *Care of the Proteſtants* is of ſo high a Nature, that in his firſt Speech to his *Mock-Parliament*, conſiſting all of Papiſts (except about five or ſix) *May* 7. he aſſures them, *He would conſent to the enacting ſuch Laws as might relieve them of the Act of Settlement.* And *May* 10. we find it mov'd in the Houſe, *That nothing could be more advantageous to the King and Country, than to deſtroy the horrid barbarous Act of Settlement; and whoſoever ſhall alledg the contrary, ſhall be deem'd an Enemy to both.* Thereafter we find it mov'd by one of the *Worthy Members* of that Parliament, *That the Act of Settlement ſhould be publickly burnt by the Common Hangman.* Behold the tranſcendent Care of King *James* for the Privileges and Properties of the Proteſtants of *Ireland!* His accuſtom'd Zeal obliges him at the firſt meeting of his *Packt Popiſh Parliament*, to put them in mind of the beſt Methods to repeal the *great Security of the Proteſtants Eſtates.* His impatience to have this done, could not ſtay till it had been propos'd by any of the Members themſelves; he muſt needs demonſtrate his Tenderneſs to his *belov'd Iriſh*, by leading them the way how to break off the *Engliſh* Yoke, and make an Inroad upon thoſe Properties the Proteſtants had acquir'd at the expence of their Blood. As I intimated before, it was ever the Maxim of *Engliſh* Policy, to bridle the unweary'd Attempts of the *Iriſh* for regaining their Country, by a good ſtanding Army in that Kingdom conſiſting of Proteſtants: But here we have another Teſtimony of King *James*'s Care of the Proteſtants, in his turning out of all Places in the Army thoſe of that Perſuaſion, to make room for others of his own Religion. It was the Policy of all Nations to keep the People they had conquer'd, in as great ignorance of the *Art of War* as poſſible, leſt ſome time or other they might ſhake off their Yoke by a vigorous Rebellion. But King *James* inclin'd to take other Meaſures, and be at the greateſt pains to teach an *indocible Nation* the uſe of Arms, that they might learn in due time to ſhake off the *Engliſh* Government.

Act of Settlement broken in Ireland.

As to the other part of the above-mention'd Aſſertion, 'That he had advanc'd 'ſeveral of the Proteſtants in *Ireland* to Places both of the higheſt Honour and 'Truſt about his Perſon, as well as in his Army.

To paſs a juſt Judgment upon this Aſſertion, we need only conſider what ſort of Perſons are at preſent about King *James* both in *Civil and Military Capacities*, and we ſhall find it hard to meet with one ſingle Perſon of the Proteſtant Perſuaſion in the Number. I could heartily wiſh, that all King *James* his Actions could as eaſily admit an excuſe as this: For the Authority aſſum'd upon him by *Monſieur d' Avaux*, and his other *French Guardians*, puts it almoſt beyond his Power to employ *Engliſh Roman Catholicks*, far leſs *Engliſh Proteſtants.* At *the Council-board* we find none of the Proteſtants. The Offices of *Lord Lieutenant*, *Chancellor*, *Privy Seal*, *Secretary of State*, *Commiſſioners of the Treaſury*, *Lord Chief Juſtice*, *Sollicitor General*, *Attorny General*, *and all the Places of the Long Robe*, *are enjoy'd by* Roman Catholicks. As to Military Capacities, there is no ſingle *Gariſon*, *Fort*, *nor Caſtle* within the whole Kingdom, except *London-derry* and *Iniskilling*, but are fill'd up with both Popiſh Governors, Officers and Soldiers. In the Army, all the Field Officers are either *French*, or Native *Iriſh* of the ſame Religion: Yea, the *French*'s Abſoluteneſs both at the Council-board and in the Army, has of late given the greateſt Jealouſy and Diſcontent to ſome that have done King *James* the beſt Service.

Perſons employ'd by K. J. in Ireland.

In the end of this firſt Paragraph we are told, that King *James*, 'by granting 'his Royal Protection to ſuch whoſe Minds were ſhaken by the Arts of his Rebel-'lious Subjects, has diſpell'd their Apprehenſions, and effectually ſecur'd them a-'gainſt the Attempts even of their private Enemies. And then adds, his Ears 'have been always open to their juſt Complaints: And ſo far has his Royal Mercy 'been extended to thoſe that were in Arms againſt him, that he has actually par-'don'd ſeveral hundreds of them, and moſt notorious Criminals are kept in an 'eaſy Confinement. In reading this Period, I find King *James* would impoſe upon

K. James would impose upon our Senses.

our Belief and Senses something as much contradictory to it self, as *Transubstantiation*, and the one as hard to be digested as the other. The Church of *Rome* tells us magisterially, that albeit our Seeing, Feeling, Smelling, and Taste, combine together to assure us, that the Bread and Wine are *really such*, yet we must not give Credit to these fallible Senses of ours; but take it upon trust from the Church, that what our Senses tell us to be Bread and Wine, is quite another thing; and that there is nothing there left of any such Elements, after once the Priest had mumbled over *the three Words*. Thus King *James*, having long accustom'd himself to an *Arbitrary Power* over our Persons and Properties when King, cannot refrain from venturing an Essay of it upon our Reason and Senses, even when he is laid aside: For, albeit our Senses are continually entertain'd with hundreds of Objects, that bear in upon our Reason a certain Persuasion that the poor Protestants of *Ireland* are every day flying away from that Country, at any rate, to avoid the many Barbarities exercis'd upon him, and that that Kingdom is become the Scene of Misery and Desolation; yet King *James* would have us wisely lay aside these mean helps of Sense and Reason, and *take it upon his bare Word*, that there is no such thing; which I think very few will be inclinable to do. If what is asserted upon this Subject be true, and consequently our Senses and Reason so strangely beguil'd, it necessarily behoves us to pass no milder Judgment upon those Noblemen, Bishops, Gentlemen, and Persons of all Ranks, that have left their Country since King *James*'s Arrival there, but that they are *quite out of their Wits*: For what better Name can be given to Persons that have left their Country, Estates, and Employments, to become here the *greatest Objects of Charity*, when not only they might have been safe at home, but *secured against the Attempts of their private Enemies?* In this word *private Enemies*, we are oblig'd to King *James*'s Secretary (whether out of Ignorance, or Design, I know not) for a fairly insinuated distinction of the Protestants in *Ireland*, their *private* and *publick Enemies*. We know that all *Roman* Catholicks are ty'd, by the Dictates of their Church, to be Enemies to the Protestants, and to extirpate them when it comes in their Power; and this, as flowing from a publick Interest of Religion, may justly be term'd a *publick Enmity*: But the Natives of *Ireland*, over and above that publick quarrel of Religion, have a private one of Revenge, for recovering from the Protestants their Lands acquir'd by the Sword; and no Age has passed since the Conquest of *Ireland*, but what has afforded bloody Proofs of the revengeful Spirit of that People upon this score. If *free quartering*, *plundering*, *robbing*, *disarming*, *seizing on Estates*, *imprisoning*, *murdering in cold Blood*, and the like, *be a securing these poor Protestants against their private Enemies*, they have no Reason to complain of King *James* his Conduct: But, alas! to be ruin'd, and in the mean time to see the Authors of it boldly affirm that they do us all the Offices of Kindness, is the hardest of fates. I would fain know where are these hundreds that he has pardon'd; for those that flee every day from that unhappy Country, cannot instance us a single one of them: And for those that are kept in such *easy Confinements*, their Condition, of all Men, is most deplorable, seeing they lie at the Mercy of an Enemy, that wait but for a favourable Juncture to sacrifice them to their Revenge. What sort of *security* the Protestants of *Ireland* meet with against their *private* Enemies; and what is the ordinary effect of *Protections* given to these poor credulous People, will appear by this one instance, among thousands of others, of a Protection given to a Farmer in the County of *Antrim*, in these Words: *I* Richard Hamilton, *Lieutenant-General of his Majesties Forces in* Ulster, *do hereby receive into his Majesties Protection the Body and Goods of* James Hunter, *of* Bullimenack, *in the County of* Antrim, *Yeoman*; *and do promise and oblige my self, that none of the Army shall molest and hurt him, or take any thing from him. Given*, &c. The poor *protected Man*, thus noos'd, returns to his House, and follows his Labour; but anon, down come upon him the Rabble of the Army, like an Inundation of *Goths* and *Vandals*, sweep all before them, and leave nothing behind them but a *starving Family*. The wretched Man making his Address to *Hamilton*, received this cold Answer; *I promised to protect you from the Army but I have no power to restrain the Rabble.*

All Papists Enemies to Protestants.

Protection violated in Antrim.

In the beginning of the second Paragraph, we are told ‘ of the Care King ‘ *James* has taken of the Church of *England*, that they be not disturb'd in the ‘ Exercise of their Religion, and possession of their Benefices; and that all Pro‘ testant Dissenters enjoy Liberty of their Consciences, without the least Molesta‘ tion. And out of his Royal Care for the Prosperity of his People *(as he calls* ‘ *them)* he has recommended to his Parliament, as the first thing necessary to be

‘ dis-

'dispatched, to settle such a Security and Liberty, both in spiritual and temporal 'Matters, as may put an end to these Divisions, which have been the source of all 'their Miseries; being resolv'd, as much as in him lies, 'to entail Liberty and 'Happiness on his People so far, as to put it out of the power of his Successors 'to invade the one, or infringe the other: And this, he takes God to witness, 'was always his Design. The first part of this long Period is but a Repetition of what had been formerly said, in the first Paragraph, *of the Protestants, of their Religion, Privileges, and Properties being his chief Care*; and what Truth that can bear, we have shew'd already. There is one thing, that I find King *James* was ever inclinable to value himself upon, and which he here likewise mentions; *I mean, his Tenderness to Protestant Dissenters*, and his Principle for *Liberty of Conscience*. They are very short sighted, that could not discern what lay at the bottom of this Liberty, and what could be the true motive that should have induc'd one of King *James*'s Religion to do it: But because he has been at the pains, so often, during his Reign, to assure us, That it was his Opinion Conscience should not be constrain'd, nor People forc'd in Matters of Religion; and particularly in his Declaration for Liberty of Conscience, dated *August* 4. 1687. I'll beg leave to say, That in this, King *James* is no obedient Son of the *Church* of Rome; for it has, over and over again, decreed the *extirpation of Hereticks*: It encourages Princes to it, by the offer of the Pardon of their Sins: It threatens them to it, by denouncing to them not only the Judgments of God, but that which is often more sensible, the loss of their Dominions. It's true *Bellarmine* tells us, *The Church does not always execute her power of deposing Heretical Princes, tho she always retains it*; and he gives a very good Reason for it, *because she is not at all times in a Capacity to put it in Execution*: So the very same Reason might have made it unadvisable to King *James*, when he was so liberal of his Tolerations, to extirpate Heresy, because it could not be then easily done. But we see the Right remains intire, and is put in Execution, in such an unrelenting manner, in our neighbouring Countries, that it has a very ill Grace, to see any Member of that Church pretend to be against *constraining the Conscience* in point of Religion. And when we consider, that neither the Policy nor true Interest of *France*, nor the Greatness of their Monarch, could withstand these bloody Counsels, that are indeed parts of that Religion; I could never see any Reason to induce us to believe, that the late Tolerations of Religion were propos'd with any other Design, but either to divide the Protestants among themselves, or to lay them asleep, till it was time to give the Alarm for destroying them. And that, in the Opinion of that Church, the Glory of extirpating Heresy is valu'd above all other great Actions, we have a remarkable instance in that famous Harangue made by the Bishop of *Valence* to the *French King*, in the Name of the *Convention of the* French *Clergy at St.* Germains, in *June* 1684. where that Prelate having recounted the *innumerable Conversions made by that King's Orders, Cares, and Liberalities*, to use his very Words; he subsumes thus: *Je bien même, que se chercherois vainement dans les siecles passés, que l' appellerois vainement a mon secours, touts les éloges des primiers, et des plus saints Empereurs. It were*, says he, *in vain to search into the Ages past*; *It were in vain to call to my Assistance all the Panegyricks of the first and holiest of the Emperors*: And afterwards he treats him with the Title of the *Great Restorer of the Faith, and Extirpator of Heresy*; and tells him, that *these infinitely surmount all his other glorious Titles*. And then, speaking of his Master's great Victories in *Germany, Flanders*, &c. and the Peace of *Nimeguen* made upon the back of them, he concludes thus: *That the Fruit, which the King had receiv'd by that Peace, made it fully apparent, what was the principal end he aim'd at in his Victories*, meaning *the Extirpation of Hereticks*. The late King *James* has always copied so far after *Louis le Grand*, that we have no reason to question, but in this so glorious a work, of *extirpating Heresy*, he would have come up to the Original, if his Designs and a favourable Juncture of time had concur'd together.

K. J. his Opinion about Liberty of Conscience examin'd.

Bp of Valence his Speech about the Conversions in France.

When he tells us, 'That the first thing he has recommended to his Parliament is, 'to settle such a Security and Liberty, as may put an end to these Divisions, which 'have been the source of all our Miseries; I find the greatest Exactness of Truth in these Words, if we but take them in the Sense and Meaning of the Speaker, *viz.* a *Roman Catholick* Prince. For albeit we all know, that the first thing recommended by K. *J.* to his *Irish* Parliament, was the repealing the *Act of Settlement*; which is indeed the great Charter by which most of the Protestants enjoy their Estates: And tho the destroying that Act, gives a mortal Blow to the Protestant Interest in *Ireland*; yet according to the native Principles of K. *James* his Religion, the repealing of this *Act of Settle-*

K. J. his Proceedings in his Irish Parliament.

Settlement, may well be call'd, ' The ſetling a Security, that may put an end to their ' Diviſions, which has been the ſource of all our Miſeries: That is to ſay, King *James*, from a Principle of Religion, is reſolv'd to remove that *Barrier*, that protects the Proteſtants of *Ireland*, in their Separation from the Church of *Rome*; that by its removal he may be in a capacity, conform to the Holy Dictates of that Church, and the laudable Example of *Lewis* XIV. to put an end to all Diviſions in point of Religion, by forcing them to return to the Mother Church, by the calm Methods of late ſo happily us'd in *France*. And this, I am very inclinable to believe, he may, with a ſafe Conſcience, take God to witneſs, was always his Deſign. I am ſomething ſurpriz'd to hear King *James* his Secretaries pop out their Maſter's ſecret Deſigns, that were ſo much his Intereſt to conceal: but the Truth is, we knew them before, to our Coſt; and we hope, are on the way to be ſufficiently ſecured againſt any further Effects of them.

In the end of this Paragraph we are told, *that ſeveral Proteſtants are now returned to their Country and Habitations; and that more would follow, if the Ports were open: But the Uſurpers* (as he pleaſes to call their preſent Majeſties) *know too well the Sincerity of his intentions, to permit a free Paſſage for them.* This indeed is all of a piece with the reſt. We are Witneſſes every day, of hundreds of poor Proteſtants of that Country, graſping every Opportunity, they can at any rate purchaſe, to abandon their Homes, and all that's dear to them, that they may but eſcape with their Lives: And I defy any of King *James* his Friends, to inſtance me one ſingle Perſon, *of any Condition*, that have dared to return Home ſince his Arrival in *Ireland*; none of them being ſo far in love with Deſtruction, as to venture on his Protection. In this *Epithet* King *James* is pleaſed to beſtow on their Majeſties, he imitates his Patron, *Louis le Grand*; who, I confeſs, has the greateſt reaſon of Hatred againſt his Majeſty, as being the *great ſupporter of the Liberty of* Europe; and who, in conjunction with his Allies, is beſt able to bring to Reaſon that *inſupportable Enemy of Chriſtendom*, yea of Mankind it ſelf. It were an impertinent piece of Boldneſs, or rather unpardonable Impudence, to offer to vindicate their Majeſties from that injurious Deſignation; ſince the Wiſdom and Power of the Parliament is paramount to all private Aſſertions of their Majeſties juſt Right: And that the moſt, if not all the crown'd Heads, and Sovereign Princes, and States of *Europe*, not only rank our preſent King among the beſt and greateſt Kings of *England*; but promiſe to themſelves, from his Aſſiſtance, to bridle *Louis le Grand* within his proper *Boundaries*. It was ever look'd upon as a Principle of common Law, That an Heir in *Remainder* has juſt Cauſe to ſue him that is in Poſſeſſion, if he makes *Waſtes* on the Inheritance that belongs to him in Reverſion. That the Heir of a Crown ſhould interpoſe, when he ſees him that is in Poſſeſſion, hurried on by bad Counſels, to ſubject an independent Kingdom to a Foreign Juriſdiction, is much more reaſonable, ſince the thing is of much more Importance: and that this was King *James* his Caſe, is apparent, by the Tranſactions of the Earl of *Caſtlemain* at the Court of *Rome*; and the rather, that by a great many Statutes, it was Treaſon to have Correſpondence with that See. This joined to the ſetting up of a pretended Heir, in ſuch a manner as the whole Kingdom believed him ſuppoſititious, was a juſt and lawful Ground for one Sovereign Prince (ſuch as his Majeſty was when Prince of *Orange*) to make War againſt another, that had ſo abuſed his Power; and 'tis an unqueſtionable Maxim among Lawyers, *That the Succeſs of a juſt War, gives a lawful Title to that which is acquired in the Progreſs of it.* Therefore King *James* having ſo far ſunk in the War, that he both abandoned his People, and deſerted the Government, all his Right and Title to the Crown did thereupon accrue to his preſent Majeſty, in the Right of Conqueſt; ſo that he might have lawfully then aſſumed the Crown: But his preſent Majeſty choſe rather to leave the Matter to the Determination of the Peers and Repreſentatives of the People, aſſembled with all Freedom in the Convention, who did thereupon declare him King; ſo that, tho he was veſted with a juſt Title of Conqueſt, he choſe rather to receive the Crown by their Declaration, than to hold it in the right of his Sword. This I thought fit to ſay, not ſo much for Confutation of the injury done their Majeſties in the abovemention'd Deſignation, which needs not my Pen; but to ſtate their right to the Crown in ſuch a Light, as may remove needleſs ſcruples of ſwearing Allegiance to them.

No Iriſh *Proteſtant of Note returned to* Ireland.

The French *King's hatred to K.* W.

In the beginning of the third and laſt Paragraph, King *James* tells us, *That nothing but his own Inclinations to Juſtice, could prevail with him to ſuch a Proceeding, as that of his care of his Proteſtant Subjects in* Ireland; *and hopes his Proteſtant Subjects in* Eng-

England (as he calls them) *will make a Judgment of what they may expect from him.* Indeed, it is no difficult Matter to make a Judgment of what we may juſtly expect from him, if ever Divine Judgment, as the reward of our Ingratitude for ſo great a Deliverance, ſhould permit us to fall again under the heavy Yoke of a Popiſh Prince, whom we have ſo juſtly and happily thrown off. King *James* is of a Religion, that has in a famous Council decreed, that *no Faith is to be kept with Hereticks*; much leſs with Subjects, that he looks upon as ſo many *Rebels*, and will not miſs to treat them as ſuch, whenever they give him the opportunity of doing it. For his greateſt admirers do not run to that height of Idolatry, to imagine him ſo much an *Angel*, as not to take all Methods to revenge ſuch an Affront, and ſecure himſelf at our Coſt from ſuch Treatment for the future. The apprehenſions of which Reſentment would ſtrike ſuch Terror in Mens Minds, that nothing would be capable to divert them from offering up All for an Atonement; and *Popery* and *Slavery* will be thought a good Bargain, if they can but ſave their Lives. Then we might lament our Miſeries, when it ſhould be out of our power to help them; for a Prince of *Orange* is not always ready to reſcue us, with ſo vaſt expence, and hazard of his Perſon. And I muſt ſay, if ever our Madneſs ſhould hurry us thus far, we ſhould become rather the Objects of Laughter, than of Pity.

Therefore, King *James promiſes and declares, That nothing ſhall ever alter his Reſolutions to purſue ſuch, and no other Methods, as by his ſaid Subjects in Parliament ſhall be found proper for their common Security, Peace and Happineſs.* Such ſilly Baits as theſe will not now take; and here is a great deal of pains loſt, to perſuade us to rely upon Promiſes ſo often made already, and as often broken. What Adjournments, Prorogations, and Diſſolutions of Parliament we have had of late, is not eaſy to be forgotten. We have found, to our ſad Experience, that the Intereſt of the Court, and that of the People, were two incompatible things; and to endeavor a Redreſs of the leaſt Grievance *in a Parliamentary way*, was not only a vain Attempt, but a Deſign branded with the infamous Name of *Diſſatisfaction to the Government.* I need not be at the pains to repeat all the Promiſes made by King *James*, of the ſame nature with this in his Declaration; and how well they were obſerved, we all know. Yet I cannot but take notice of *one*, made in his firſt Speech to his Privy Council, an hour after his Brother's Death, printed by his own Command, in theſe Words: *My Lords, before I enter on any other, I think fit to ſay ſomething to you, ſince it has pleaſed Almighty God to place me in this Station; and I'm now to ſucceed to ſo good and gracious a King, as well as ſo very kind a Brother. I think fit to declare to you, That I will endeavor to follow his Example; and moſt eſpecially, in that of his great Clemency and Tenderneſs to his People. I have been reported to be a Man for Arbitrary Power; but that is not the only thing, that has been ſaid of me: And I ſhall endeavour to preſerve this Government, both in Church and State, as it is now by Law eſtabliſhed. I know, the Principle of the Church of* England *is for Monarchy, and the Members thereof have ſhown themſelves good and loyal Subjects; therefore I ſhall always take care to defend and ſupport it. I know the Laws of* England *are ſufficient to make the King as great a Monarch as I can wiſh: And as I ſhall never depart from the juſt Rights and Prerogatives of the Crown, ſo I ſhall never invade any Man's Property.* He that can reconcile this Speech with King *James* his after actings, is the fitteſt Perſon I know to explain the Popiſh Notion, of our Saviour's Body being in a thouſand diſtinct Places at once. In theſe Expreſſions, he takes it very unkindly to have been reported a Man for Arbitrary Power, and promiſes a great many things, that are contradictory to it: but how well he deſerved the Character, all his Conduct has made it appear with a Witneſs.

No reaſon to rely on K. J. his Promiſes.

K. J. his firſt Speech in Council in England.

Irreconcilable with his actings.

We have one of the moſt remarkable inſtances of King *James*'s being againſt Arbitrary Power, in his Declaration of the 12*th* of *February* 168$\frac{5}{7}$. for a *Toleration in* Scotland; where we find theſe new coin'd Words, thrice made uſe of, *Our abſolute Power*, with this addition, *which all our Subjects are to obey without Reſerve.* Now *Abſolute*, in its natural Signification, importing the being without all ties and reſtraints; then, the true meaning of this ſeems to be, That there is an inherent Power in the King, which can neither be reſtrained by Laws, Promiſes, nor Oaths; for nothing leſs than being free from all theſe, renders a Power Abſolute. Tho the Term *Abſolute* was enough to ſtretch our Allegiance; yet that which comes after, is yet a ſtep of a higher nature, tho one can hardly imagine what can go beyond *Abſolute Power*; and 'tis in theſe words, *Which all our Subjects are to obey without Reſerve.* This is, indeed, the carrying Obedience many degrees beyond what

Pretends to Power without Reſerve.

what the Grand Seignior yet ever claimed; for the moſt deſpotick Princes in the World, before *Lewis le Grand*'s time, thought it enough to oblige their Subjects to ſubmit to their Power; and to bear whatever they thought fit to impoſe upon them: But, till the fatal Days of the Dragoon-Converſions, it was never ſo much as pretended, that Subjects were bound to obey their Princes *without Reſerve*, and to be of his Religion, becauſe he would have it ſo, the only convincing Argument uſed by theſe *booted Apoſtles* of late. So, without doubt, this Qualification of the Duty of Subjects, was induſtriouſly put in here by King *James* his Jeſuitick Counſels, to prepare the Proteſtants of *Scotland* for a terrible *Le Roy lê veut*, ſince the poor Pretenſions of Conſcience, Honour, Religion, and Reaſon, would have been reckon'd as *Reſerves* upon their Obedience, which were all by that Expreſſion ſhut out.

Arbitrary Power aſſumed by K. J.

Before I leave this Paramount Inſtance of King *James*'s aſſuming to himſelf an *Arbitrary Power* beyond what the Great *Turk* claims, and contrary to his own reiterated promiſes, I muſt take notice of another very *comprehenſive expreſſion* in that ſame Declaration for a Toleration in *Scotland*, and it's this. *We think fit to declare, That we will not ſuffer Violence to be offer'd to any Man's Conſcience, nor will we uſe Force, or INVINCIBLE NECESSITY upon any Man, on the account of his Perſuaſion, nor the Proteſtant Religion.* When I firſt read theſe Words, I eaſily perceiv'd what caution was us'd in the choice of them; for it is clear, the general Words of *Violence* and *Force*, are to be explain'd and determin'd by theſe laſt, of *INVINCIBLE NECESSITY:* So that King *James* very wiſely promiſed only, to lay no invincible Neceſſity on his Subjects; but for all *Neceſſities* that were not *Invincible*, they might expect to have felt a large ſhare of them: For Diſgraces, want of Imployment, Finings, Impriſonments, and even Death it ſelf, are all *Vincible* things to a Man of a firmneſs of Mind; yea, the Violence of Torture, the Furies of Dragoons, and the Precedents uſed of late in *France*, might have been fairly included within this Promiſe, ſince a great and ſublime Soul, fortified with an extraordinary meaſure of Grace, might be able to ſupport under them.

Now, ſince we have had ſo many experiences of King *James*'s faithfulneſs to his Promiſes, before he abandon'd the Government, I pray what Arguments has he of late given us, that he will be more obſerving of his Word, than hitherto he has been? Sure, the reducing Hereticks to the See of *Rome*, is no leſs meritorious than before; nor King *James*, by breathing a little of the *French Air*, and *concerting Meaſures* with *Lewis* the 14*th*, become leſs a Bigot.

King *James* concludes his Declaration with *aſſuring all his pretended Subjects, That if, within twenty Days after his appearing in Perſon within* England, *they return to their Obedience, by deſerting his Enemies, and joining with him, he will grant them his full Pardon, and all paſt miſcarriages ſhall be forgot.* This merits no other Anſwer, but what has been already ſaid: only this, He muſt have the worſt Opinion of the frailty of Human Nature, that can be brought to believe, that any Man, not altogether diveſted of his Reaſon, can be prevailed with to join King *James*, tho he were in *England*, except he be of that Religion that obliges him to aſſiſt a Prince, that ſets up ſo fairly for the Glorious Title of the *Extirpator of Hereſy*; and to venture all upon the uncertainty of ſeeing their Church Triumphant. And if there be any of the Proteſtant Perſuaſion ſo ſtrangely infatuated, as but to wiſh his Return, I ſhall entertain them with no other Anſwer, but the recommending to them that place of Holy Writ, preach'd upon before the Houſe of Commons of late by an eminent Divine, *Ezra* 9. *v.* 13, 14. *And after all that is come upon us for our evil deeds, and for our great treſpaſs, ſeeing that thou our God haſt puniſhed us leſs than our Iniquities deſerve, and haſt given us ſuch a Deliverance as this: Should we again break thy Commandments, and join in affinity with the People of theſe Abominations; wouldſt not thou be angry with us, till thou hadſt conſumed us, ſo that there ſhould be no remnant, nor eſcaping?*

No Proteſtant ought to wiſh his Return.

A Letter from a Divine to a Member of Parliament, in Defence of the Bill for the Uniting of Proteſtants.

With the Member of Parliament's Anſwer.

Printed in 1689. *and licens'd by the* E. *of* Shrewsbury's *Command,* April 1.

THE *Bill* of *Union*, which being commonly ſpoken of under the leſs popular name of Comprehenſion, has ſuffer'd very much among the zealous Friends of our Church, will certainly meet with a more favourable entertainment when it is more fully underſtood.

Many prejudiced againſt the Bill for its Name.

The Deſign of it is not, as ſome have imagin'd, the breaking of our Frame, but rather the giving a greater firmneſs to it.

Of its Deſign.

No Alteration that I know of is intended by it, but in things declar'd to be alterable by * the Church it ſelf. And if things alterable be alter'd upon the grounds of Prudence and Charity; and things defective be ſupply'd; and things abus'd reſtor'd to their proper uſe, and things of a more ordinary Compoſition revis'd and improv'd; whilſt the Doctrine, Government and Worſhip of the Church remain intire in all the ſubſtantial Parts of them; we have all reaſon to believe that this will be ſo far from injuring the Church, that on the contrary it ſhall receive a very great benefit by it.

It is agreeable to the Church of England *Principles.*

This has been the manner of all Chriſtian Churches in all times, not excepting the *Roman* Church it ſelf; which has chang'd her Offices in every Age, but generally for the worſe: And yet other Churches have not thereby incur'd the imputation of Inconſtancy, and of unfixing things well fix'd. For that which is always to ſtand is fix'd; and that which is variable is by the Diſcretion of the Church accommodated to Seaſons, and Places, and Occaſions.

And of all other Chriſtian Churches.

No argument of Inconſtancy.

Some *Condeſcenſions* have been already promis'd, and Promiſes are Sacred things. They were ſo lately renew'd, that he muſt have a very ſhort Memory, and a worſe Conſcience, that has already forgot them. When the Bigots among the *Papiſts*, and thoſe who blindly at leaſt, if not wilfully went into their Intereſt, rais'd a mighty Clamor againſt the Church of *England* as a PERSECUTING CHURCH, the Members of it declar'd that ſo much as there was of Perſecution in it, was all a Court Artifice, and gave their word for the ſhowing of ſuch a Temper (when opportunity ſhould favor them) as might fully acquit them of ſuch a Spirit of which they were ſo publickly and ſo vehemently accus'd.

Some ſuch thing promiſed.

And neceſſary to remove the Objection of our being a Perſecuting Church.

And after ſo long a time ſince the Reformation, and ſo many Revolutions, and ſo many Objections heard and conſider'd, a Review of our Conſtitution (if we had not paſs'd any Promiſe) may ſeem fit to be made, and now to be capable of being made much better, than it could have been formerly.

We know better now what is fitting to be done than heretofore.

It is true indeed, for any Objections that can be made againſt our Conſtitution as now it is, we need not enter on any Alteration of it; all that have ever yet been brought, having been often and fully anſwer'd with great ſtrength and plainneſs. But it is our unhappineſs (or rather theirs) that they who have moſt need of Books of this kind, either will not, or are not ſuffer'd to read them. Or if they chance to read, yet they come with ſuch prejudice to them, as prevents a diligent and impartial Peruſal of them. The ſureſt way therefore to remove all Objections of this kind is to remove the occaſion of them, and that will be done by this Bill of diſcreet Charity.

'Tis the only way to remove the Diſſenters ſcruples.

I am well aware of your highly commendable tenderneſs to Eccleſiaſtical Power; and this Review is not deſign'd to be made without the Sanction of it, expreſly mention'd in the laſt words of the Bill. The preſent Bill is but a preparatory Act, and may as well be paſs'd in Parliament as Queen *Elizabeth*'s Injunctions without offence to the Clergy.

It will be no prejudice to Eccleſiaſtical Power.

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* *Preface to the Common Prayer.*

Neither

Nor take away the Fences of our Church,

Neither need you dread this Bill as a means to the throwing down the Fences of our Church. Fences which are always attack'd, and which put us perpetually upon the defenſive part, have more of trouble in them than ſecurity. And certainly after the Eſſentials and convenient Decencies of Religion are provided for, our ſtrongeſt Fences under God are Unity and Number.

Nor tend to yield up all to the Diſſenters;

I cannot ſo far ſuſpect your Judgment as to think you will ſay, that if the leaſt thing be yielded to Diſſenters, they will by degrees extort the whole from us by their reſtleſs Importunities. What we yield, we yield not ſo much to them as to the Peace of the Church. And the Wiſdom of thoſe great Bodies, a Parliament and Convocation, will know where it ought to ſtop. And when once that which is fit is granted, if Men who affect to be a State Party ſhall inſiſt on all that remains, the mere unreaſonableneſs of their Demands will procure a denial, and will juſtify it to all the World.

Nor be any diſcredit to us if ſome Diſſenters ſhould refuſe to acquieſce in it.

Nor can I any more think that a Perſon of your good Senſe ſhould harbour a Suſpicion, that the Authority of this Church will be made cheap, and ſeem to be proſtituted by an Offer of Condeſcenſion, of which it may be the Diſſenters will not accept. It is the grief of all good Men of our Communion, that any of the Diſſenters ſhould be guilty of ſo much as the leaſt appearance of obſtructing this Union, which they formerly ſeem'd ſo impatiently to deſire. And I do own that in ſome of them there is more than an appearance of averſion to this Bill. If it were not ſo, after an univerſal forbearance of preaching or writing in thoſe Controverſies on our ſide, Books level'd both againſt Liturgy and Epiſcopacy would not come as they do, in this juncture, freſh from the Preſs.

Such an Union offer'd will render them inexcuſable.

However, let that be offer'd by the Churchmen which may be agreed with ſafety to the Church, and which has been ſo ſolemnly promis'd by them; and they will at once both juſtify themſelves, and render thoſe Men inexcuſable, who advance towards us when we are bound and cannot meet them; and when we can, and come forward, run back to their old Extremities of Averſation.

And tho the intereſted Men among them may diſlike it,

It is indeed to be fear'd, that thoſe who cover Intereſt under the pretence of Conſcience, and perhaps among thoſe ſome few that are Paſtors of wealthy Congregations, may be tempted to deſire a continuance of the diſtance betwixt the Diſſenters and the Churchmen. It would be Policy in them to endeavour that the Exceptions may remain as means of continuing the Separation, ſeeing by that they gain more than they had reaſon to expect if they were ſet in the common Level, in the parochial Charges of a National Church.

'Tis hop'd all others will approve it.

But I have more charitable thoughts of the ſincere Diſſenters; and the rather, becauſe this preſent Bill is ſo fram'd, that it may give them all reaſonable Satisfaction.

Its Conditions being eaſy, both to Miniſters,

For, firſt, as to thoſe Diſſenters who are in the Miniſtry, their ſpecial Objections have been againſt the Forms of Subſcription and Ordination. But now there is only one Form to ſubſcribe; and that is ſo adjuſted, that as many of them as are Epiſcopally ordain'd may come into Parochial Cures, without ſcruple at that which is now requir'd. For them that have not Epiſcopal Orders, there will be ſuch a proviſion made, as will ſatisfy all the Miniſters of the Foreign Proteſtant Churches; and there is all reaſon to hope that it will ſatisfy our Diſſenters. And then when they are within the Church, they will have no Temptation to make ſuch Ordinations as they are ſaid to have done of late Years; tho even thoſe they have made are not capable of the Excuſe that was made for thoſe in the Ill Times, when Biſhops were few, and thoſe impriſon'd, and otherwiſe diſcountenanced by the Powers in being.

And to Lay-diſſenters.

And then for the Diſſenters among the Laity; things that are indifferent in their own Nature, being left indifferent in their Uſe, the grand Objection of their being made unlawful by their Impoſition, will be perfectly remov'd. So that be they henceforth us'd or not us'd, they can be no Bar to Lay-Communion.

If it has no preſent good effect, 'twill ſecure the next Generation, And ſatisfy Foreign Proteſtants.

For theſe Reaſons we cannot but hope that we ſhall have ſome Fruit of this Bill among the ſincere Diſſenters at preſent: But to be ſure, we ſhall by this means ſecure the next Generation, who cannot have thoſe Prejudices inſtil'd into them, which now by a publick Law will be taken away. And for the *French* and *German*, and other Foreign Chriſtians of the Reform'd Religion, I am well aſſur'd, both by Converſation, and by Letters lately ſent from *Holland*, *Geneva*, *Switzerland*, and other places (not to ſpeak of the Churches of the *Lutheran* Communion which write the ſame) that they look upon the Church of *England* at this Time as the

Center

Center of Proteſtant Unity; and eſteem the Conditions propos'd in this Bill (which have been communicated to them) as Terms full of Chriſtian Moderation, and fit for the uniting of Proteſtants. And you are not to be taught how neceſſary a Union is (eſpecially in this State of Affairs) not at home only, but among all the Proteſtants in the World.

Who highly approve of it.

It will perhaps be ſome further ſatisfaction to you to let you know, that I am not ſingular in all this that I have with ſo much freedom written to you. Among all thoſe who have appear'd in the Church's Cauſe, as well againſt Diſſenters as Papiſts, I do not know one ſingle Perſon that is not a Wellwiſher to this Bill; and I believe they will all tell you ſo, if you pleaſe to adviſe with them. And ſo far as we may learn the Genius of Men from their Writings, Archbiſhop *Uſher*, Biſhop *Saunderſon*, Dr. *Hammond*, and a long Order of other moſt worthy Men of the laſt Age, whoſe Memory is moſt precious in our Church, had they been now alive, would with all Zeal have promoted this *Bill of Union.*

This Bill approv'd by the trueſt Sons of the Church.

And upon ſuppoſition that there were not in this Nation one ſingle Diſſenter, that there were no occaſion for either Union or Comprehenſion, it would ſtill be the Church's Intereſt to propoſe ſomething of like nature with that which is now under Conſideration, and ripe for its Birth, and which I hope will not want a Legal Strength for the bringing of it forth.

And is fit to be paſs'd tho not neceſſary for an Union.

For, I pray, is any Church ſo perfect as to lack nothing at all? Would it be a prejudice to our Communion to make Confirmation and Excommunication much more ſolemn? Would our Service be impair'd by additional Prayers and Hymns, and choice Leſſons, and an improv'd Office for the Sick; and by ſome new Offices for Priſoners of Debt or Crime, for the reconciling of Penitents, *&c.* together with divers other things which are obvious to conſidering Perſons?

Our Conſtitution may be improv'd,

God be bleſſed we are not defective in things abſolutely neceſſary to Salvation; nor redundant in any Superſtitions, or in any ſinful Terms of Church Communion. But when we may grow up into conſiderable Improvements, and provide for Peace and Piety together, if we ſhall ſo tie our ſelves down to our preſent State as to refuſe to do it, we ſhall certainly anſwer it to the great Shepherd, who requires us not only to do well, but to proceed in well-doing, and to abound in every good Work.

Tho already very good.

To conclude, We have loſt one Juncture already at the return of King *Charles* the Second: And the Popiſh Party, who help'd us forward in our Heats, as well as held back the Diſſenter, have ſince that time ſufficiently ſhewn why they did it, by making their Advantages all along by our Diſorders.

None but Papiſts, who have hitherto prevented our Union, can be diſpleas'd at this Bill.

We have now another favourable Seaſon; and that ſuch as was never yet offer'd to us, by reaſon of the League at this time between the Proteſtant Princes and States. In this Bill we ſhall go as far as they deſire us to go: So that there can be no need of any conſiderable Alteration to be made for the future.

Let us not a ſecond Time ſuffer our ſelves to be ſo far miſtaken in our own Intereſt, as to neglect that which will ſo much make for our Peace: Which is what all true Friends to the Reform'd Religion muſt needs deſire; and I know none but the Common Enemy, that can reaſonably be diſpleas'd at our Endeavours for the promoting of it. I am,

S I R, Your moſt humble Servant, *N. N.*

N.B. *Tho only the Contents of the foregoing Letter be printed in the Margin, the Reader, if he pleaſes, may compare the Letter it ſelf.*

A Letter from a Member of Parliament, in Anſwer to the Letter of the Divine, concerning the Bill for Uniting Proteſtants.

Many prejudiced againſt the Bill for its Name.

Differences of Opinion are ſo apt to ariſe, and I am ſo much for Union, that I cannot but take the trouble of telling you, that you and I were much better agreed at our laſt Meeting, than you ſeem to think: For I do not remember that I was ſo diſaffected with the word *Comprehenſion* in the Church, as that you ſhould think to oblige me with the other of *Union*; that alters the matter as little, as if you ſhould recommend a Bill for the Union of the two Kingdoms to the State, by calling it a *Comprehenſion.*

Of its Deſign.

I hope too the Deſign is not to break the Frame, but for a greater firmneſs. For tho ſome pull down an old Manſion-houſe to ſell the Materials, and ſome to build a new Folly after a Foreign Model, as a Specimen of their late Improvement by Travel; yet others, I grant you, make ſuch Alterations as better the Seat. I do not therefore reject all Alteration; for I would be as glad as any to ſee the good old Houſe improv'd: but I like it ſo well as it is, that I deſire firſt to be ſatisfy'd in the Propoſals, before I engage too far with the Undertakers, for I know how willing that ſort of Men are to make themſelves work.

It is agreeable to the Church of England *Principles.*

Our Church is not ſo unreaſonable as to ſay, that all her Appointments are *unalterable*, and ſo much other Churches muſt confeſs too; ſhe is capable of amendment I grant you, and ſo ſhe will ſtill be, I ſuppoſe, after your *Corrections and Supplies*, and I know no other Church that is not: But whether the Model that is offer'd will amend it or make it worſe, that, if we are wiſe Builders, we ſhall conſider firſt; for as the *Romans* have alter'd for the worſe, ſo may the *Engliſh* too.

Some ſuch thing promis'd.

The Condeſcenſions that were promis'd on our ſide are not to be forgot; and further, I wiſh that the occaſion of that Promiſe may be forgot, the late dangerous Condeſcenſion of ſome Men to the *Romiſh* Party. But his Memory muſt be ſhort, who doth not recollect that this *Temper* promis'd, was ſuch an one as ſhould be ſo eſteem'd by a Parliament and a Convocation, that is, a proper and expedient Temper in the regular way. And if the Churchmen deſire that this method may be follow'd, they will not deſerve to be reproach'd with an ill Conſcience in keeping their word: Neither will the Church deſerve therefore the name of a *Perſecuting Church*, tho ſhe has been unjuſtly perſecuted with it all along by ſuch, who, when in Power, were the greateſt Perſecutors themſelves, and whoſe Temper will always make them ſeem to themſelves under Perſecution, till they can perſecute again. This Cry was rais'd by the Jeſuits themſelves againſt us in the late Reigns, and a Book of Martyrs preparing, and now it may be taken up again. But this makes not Comprehenſion neceſſary, it may be ſufficiently provided for by a Bill for Toleration; for the National Church of *England*, tho ſhe does not alter, will be no more a Perſecuting Church, than the National Church of *Holland*, who is not about to alter, as we hear, and continues to exclude above half the Inhabitants.

And neceſſary to remove the Objection of our being a perſecuting Church.

We know better now what is fitting to be done than heretofore. It is the only way to remove the Diſſenters Scruples.

But I am not only for a Toleration, I am in my Judgment for a *Review of our Conſtitution*, as much as any of you Divines, and hope it may be made with ſo much Chriſtian Prudence, as may ſhew we are grown wiſer by our greater Experience.

It is indeed to be lamented, that the Diſſenters Objections cannot be remov'd by *Anſwers of ſo great ſtrength and plainneſs.* It remains therefore only to remove the Occaſion; that is, to take away ſuch things againſt which there is no reaſon: out of Charity then let it be done, and a *Bill of diſcreet Charity* it will be indeed, that ſhall take away all Scruples, prevent all Prejudices, and reduce us to perfect Union. But you may remember, I took the liberty, in our private Converſation, to tell you,

you, that ſuch promiſing Bills of general Cures are put into your hand in every Street.

It will be no prejudice to Eccleſiaſtical Power;

The Bill is not yet come to us, but I have enquir'd, and find, that beſides the Liberty the Laity have by it, the Miniſter is at liberty to wear or not to wear the Surplice, to kneel, or to ſtand, or to ſit at the Communion; to baptize, or not to baptize with the Sign of the Croſs. And ſome tell me, they are not ſure whether he is oblig'd to approve the Doctrine and Diſcipline of the Church in which he officiates; and that Ordination by the hands of the Presbytery is ſo own'd, that it capacitates him for a kind of Licence from the Biſhop. Theſe they ſay are the preſent Alterations, and twenty Divines of your acquaintance are to have the Royal Commiſſion, to conſider afterwards of many more, and more weighty, to be preſented hereafter to the Convocation (I hope) and Parliament. Now againſt this Method of removing the *Diſſenters anſwer'd Objections*, there ſeem to me to be ſeveral weighty Objections I wiſh might be anſwer'd as eaſily, ſome of which I ſhall mention preſently. But as to the Eccleſiaſtical Power, of which you allow me to be tender, all that the Divines of my Acquaintance deſire, is the Power of hearing and deliberating concerning ſuch Propoſals in a Convocation: And if this preparatory Act be of an Eccleſiaſtical nature, they requeſt the ſame Power may be granted them here; for the Churchmen, I think, have ſuch a Right, and if they have not, yet they are proper Adviſers; and ſo numerous and learned a Body as the Eccleſiaſtical Commonalty is, ſhould have ſome regard had to them, as well as to the Diſſenters, and be repreſented not by a few Men of a ſort, but by a Convention at leaſt of their own choice, being neither ſo ſuperſtitious nor ſo ignorant, as in the times you mention of Queen *Elizabeth*.

Nor take away the Fences of the Church.

All the reaſon of Fences to the incloſure of a Church, is to keep thoſe out that are not fit to come in, or will, if they are ſuffer'd to ſtay in, diſturb it; to maintain Truth and Devotion in Unity and Order. Now our Fence againſt falſe Doctrine and Diviſions is an Approbation requir'd from every Miniſter of the Church to what is order'd in the Church; for, if he ſcruple to ſay he approves the Doctrine, he is not to be truſted with the teaching of it; and if he approves not the Diſcipline, he will practiſe it but untowardly. This *Fence* is ſo natural a Bound, that no Church wants it; and whoever attacks it, intends to take the place, and, for ought I know, to raſe it. It is for the Security of the Church to keep up ſuch a *Fence* whatever the *trouble* may be; and they will be troubleſom Men indeed, that will not approve what ſtands, when we are willing to alter all that is not to be approv'd.

I will not ſay that the Obligation to wear a Surplice is one of our *Fences*, tho it may ſerve conveniently as a *Shibboleth* to keep thoſe out of the Miniſtry, who are either ſo weak as to conceit an Illegality in the Habit, or ſo hypocritical as to pretend it. But this I think, that if the Surplice be not abſolutely diſcharg'd, but the Miniſter left to his choice, there will be then no *Fence* againſt a contrary Practice in the Dioceſs, and againſt the impoſſibility of the Miniſter's humouring all the Congregation by his choice; that is, againſt the Wrangling and Faction that will ariſe betwеen Miniſter and Miniſter, and between Miniſter and Pariſhioner on that Subject: A Diſpute that the Biſhop will have no Authority left to determine. Neither let any Man pretend that ſuch Trifles will not diſturb a Dioceſs or a Pariſh, when we find they are ſo conſiderable as to trouble a Parliament, and to interrupt the Publick Affairs in ſo preſſing a Conjuncture.

The direction of the People to ſome one decent Poſture at the Sacrament, is commonly thought a convenient *Fence* againſt Irreverence, at leaſt Diſorderlineſs: And there is no Church that does not expect her Communicants in the ſame Poſture. But allow us Laity a greater Liberty in *England*, yet ſuch an Order upon the Miniſter will be, in my judgment, but a neceſſary Fence againſt Parochial Schiſms (to go no further) that will otherwiſe follow: For taking it for granted, that all you Churchmen underſtand the nature of the Ceremonys ſo well, as to know them to be indifferent, and that you will none of you make any ſcruple of giving the Communion to one ſitting (tho a Scruple on this hand would be as well grounded as on the other, and deſerves much more regard) granting, I ſay, theſe Ceremonies to be indifferent to you; yet to the Diſſenters they are unlawful, for therefore they deſire them to be releas'd. Suppoſe then one of thoſe Miniſters enter'd by this Gap of our old *Fences* into ſome populous Congregation, and ſuppoſe the Laity of our Communion willing to receive the Sacrament at the hands of one that refuſes to kneel himſelf (a thing that may not always happen) yet the Miniſter himſelf muſt

be preſum'd unwilling to give it to the Layman kneeling, and at leaſt he will diſcourſe of it, and declare againſt it. Now do you not think this will certainly break his Pariſh, and make the People willing to receive from another Hand, nay force them to another Congregation? which courſe muſt certainly end in Feuds and Animoſities, if there be no temporal Diſcontent on foot: But if there be, it is to be fear'd, that the ſecular Parties will diſtinguiſh themſelves by theſe Poſtures, and greater Diſorder follow than will be conſiſtent with the Peace of the Government it ſelf; and this you muſt expect, that if it ſhall once appear that a State-party has taken away the Ceremonies, there will be a State-party for them.

I ſhould not be ſo particular in ſuch things of Church-practice, which you ſhould conſider rather than I. But give me leave to go a little further as to the Sign of the Croſs; it was us'd heretofore to be a Fence againſt ill Spirits, as they ſay; but now, I know not why, it has rais'd them. However, I think, the liberty of the Miniſter to uſe it or no, will be very inconvenient; and that an Obligation upon him to do as he ſhall be deſir'd, will be a proper Fence againſt the trouble ſome of his Pariſhioners may otherwiſe have of looking out for another Miniſter to Chriſten, as ſoon as a diſſenting Miniſter ſhall be prefer'd upon them.

But to diſpatch this buſineſs about *Fences*; Ordination, as I take it, is another, and ſuch a one, that inſtead of being laid more open, ought to be better ſecur'd than it is. It were to be wiſh'd, that there were more Keys than one to the door of the Fold, and that it ſhould not be open'd but with great Solemnity; for if care be not taken, there may be found a Biſhop that may in private let in thoſe that are better kept out. I do not deny, but there may be a Form peculiar for the admitting to the Miniſtry ſuch as are ſaid to be ordain'd of Foreign Presbyters, or Popiſh Biſhops, but I dare not preſcribe ſuch a one. For this, I think, if any, is a Matter ſo weighty, that it ought not to be determin'd, but by the Body of the Church.

And ſo much for the Fences, the ſtrongeſt of which, you ſay, are Unity and Number: But a Church that grows numerous by taking in Diſſenters, may be no ſtronger, than an Army that fills up its Company with Mutineers.

Nor tend to yield up All to the Diſſenters.

There is reaſon ſtill, I am afraid, to ſuſpect reſtleſs Importunities and Deſigns of extorting the whole; but my judgment of this Houſe (and you need not ſuſpect it) is, that it will never yield to them, and I hope for that reaſon they will not yield to ſome of theſe Propoſals, tho I know they are ready to hearken to all that are peaceable and reaſonable.

Nor will it be any diſcredit to us if ſome Diſſenters refuſe to acquieſce in it; but being offer'd will render th m inexcuſable. And tho the intereſted Men may diſlike it, 'Tis hop'd all others will approve it, its Conditions being eaſy both to Miniſters, And to Laymen.

That Diſſenters ſhould refuſe to acquieſce in ſuch Terms, one would, it may be, wonder, that did not know them; but you muſt expect that ſome of them will continue unſatisfy'd, and that Books againſt Epiſcopacy and Liturgy will fly, tho you ſhould be a Biſhop your ſelf: Let our Church therefore, in the Name of God, perfect her ſelf as ſhe can, amend, ſupply, and retrench, as may be beſt for his Service, and the Edification of the People, and commit the event to the Divine Providence.

Methinks I could eaſily find a Cure for this Diſeaſe; for why may not thoſe few that are Paſtors, as you call them, of wealthy Congregations be provided for by the Church-Preferments? ſure they will be conſidered.

For my part I think that would be a leſs chargeable Gratification to them, than to expoſe our Church to irremediable Diſorders and Factions for their pretended Eaſe. For to deal plainly with you, tho they have been pleas'd, it ſeems, of late to increaſe their Number by new Ordinations, yet I do not find the Church ſo ill provided as to want their Miniſtry; it did not in the late Exigency. And if there are of them that ſhall after competent ſtudy, really think the diſputed Ceremonies to be unlawful; this to me is ſuch a proof of their Weakneſs, as that they ought not to undertake to teach, and ſhould in modeſty be contented with Lay-Communion.

Now to the Laity a great tenderneſs is due, and there is place for charitable Condeſcenſion; they have taken up Prejudices from the wrong information of thoſe, who pretending to inſtruct were bound to know better. They have not had capacity, or leiſure, or opportunity, nay (as you intimate) have not been ſuffer'd to uſe the means of correcting their Prejudices; they are therefore indeed to be conſider'd and treated very charitably. Let ſuch then be permitted not to kneel, and the Miniſter be bound to admit them to the Communion at their deſire; let the Miniſter be bound to baptize their Children without the Sign; let all reaſonable eaſe be given them, and the Surplice, if you pleaſe, quite taken out of their ſight.

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The Laity by this means will have all the Condeſcenſion you propoſe, and enjoy their own Liberty in ſuch things as much as they can deſire, tho the Miniſter remains oblig'd: For if the ſcrupulous have their own liberty to ſtand, it is preſum'd by the Project, that they will not be offended at any other, or at the Miniſter's kneeling; and what difference is there to them, whether the Miniſter kneel by command or by choice? I ſay not that the Surplice too may be left upon the Miniſter for the ſame reaſon; for if you ſuppoſe he may wear it voluntarily, without offence to the lookers on, why may he not wear it by direction without offence too? I know you intimate the old Objection, *of indifferent things becoming unlawful by their Impoſitions:* But will they be ſaid to grow unlawful to me becauſe impos'd upon another? That will be an unreaſonable ſtretch of an Objection, that is ſo very unreaſonable in it ſelf, as to ſuffer no Eccleſiaſtical Appointments; and I will aſſure you, if our Church think fit to humor the Objection, ſhe will be the firſt that ever did. You ſee I am ready to give all the deſir'd ſatisfaction to the Laity; but as to the Miniſters I do not ſee how they can be left to their choice, without more diſorder and confuſion than is fit to be ſuffer'd for their ſakes: and I muſt take leave to tell you, that greater regard ſeems to be had in this Project to the perſonal Intereſts of a very few, whom we may well be without, than to the Peace of the whole Church.

If it has no preſent good effect, 'twill ſecure the next Generation, and ſatisfy Foreign Proteſtants, who highly approve of it.

The probable effect of this Bill ſo condition'd, I have ventur'd to conjecture; and you Divines ſhould conſider beforehand, the rather, becauſe you are upon a new Experiment, and which no Church has ever thought fit to try. For tho the Reformed Churches abroad (you mean the *Calviniſts*, as they are pleas'd to honour themſelves with the Title, in contradiſtinction to the *Lutherans*, &c.) may appear to like your Project well, as no man diſcourages the Practice of his own Example, and as the *French* will never find fault with us for following after their Faſhions; yet I am not ſatisfy'd of their mind ſo, but I ſhall do by them as we Laymen uſe to do by you Divines; I ſhall rather look into their Lives than their Doctrine, and ſee what courſe they take at home. Now I am afraid a Man would hardly be admitted a Miniſter of their Churches, that ſhould deny to approve their Doctrine and Diſcipline; the Remonſtrants, you know, ſay otherwiſe. The Churches of *France* were not us'd to give the Sacrament to any ſitting, nor thoſe of *Holland* to any that kneel, much leſs are they us'd to ſee their Miniſters in contrary Poſtures; and if in any place they have ſometime diſpens'd with their manner, it was done out of a particular civility to ſome eminent Stranger, not ordinarily, and to thoſe of their own Communion. Now I do not ſuppoſe that they keep to their own Rules out of any humour or oppoſition, but upon wiſe Conſiderations, and for the ſake of Order and Peace; and I cannot think that they would ever adviſe us ſeriouſly to a Practice they do not follow themſelves. A *Calviniſt* Miniſter may indeed be glad, that he is without any more trouble made capable of an *Engliſh* Preferment, and he may write ſuch a Letter of Compliment to get one. But this is neither Authority nor Motive to our Change: And what need is there of a Foreign Oracle, or going to *Switzerland* for a direction for us in *England?* Shall Strangers be ſuppos'd to know our Circumſtances better than we? And ſhall we never think our ſelves able to do our own buſineſs our ſelves?

I am glad they abroad look upon our Church as the Center of the Proteſtant Unity; a *Proteſtant* I hope ſhe has appear'd now, and a *Center* I hope ſhe will prove, by a ſpeedy faithful Direction ſhe will afford to the Proteſtant Circle (to uſe the *German* Phraſe) for the uniting and ſupporting their common Council and Intereſts. Now for that Office ſhe ſeems already to have the proper Poſition, and will, if ſhe vary much, go out of her true place; for ſo much as ſhe approaches to the *Calviniſt*, ſo far ſhe departs from the *Lutheran*, as friendly, and a much more conſiderable Body: But if ſhe will be a *Center*, ſhe muſt be fix'd ſomewhere, and ſhe can never be ſerviceable to thoſe abroad, if ſhe be in diſorder and confuſion at home. Let us then ſettle our ſelves on Terms of Peace and Unity, and ſo we ſhall be the better able to aſſiſt the other Proteſtants: But in order to that Aſſiſtance, there is no need that we ſhould part ſo much as with the Surplice, except you think the Preliminaries of the Proteſtant Treaty were about our Rubrick; or that the *Swede* or the *Lunenburger* cannot ſuccour the *Hollander*, without ſubſcribing to the Synod of *Dort*. However, we are to be guided by the ſtanding Conſiderations of Peace and Unity at home, and not by theſe temporary Conjunctions of Princes and States, which may alter the next Year.

This Bill approv'd by the trueſt Sons of the Church,

The acquaintance with thoſe of your own Profeſſion, muſt be larger than mine, and as the Margin ſaith, much better, for it is with the *Trueſt Sons of the Church.*

But

But I assure you I know many, and those not inconsiderable, who have appear'd too for the Church's Cause, who are against this Bill as they hear it is fram'd, and who think it highly *for the Cause of the Church* to have it amended.

And is fit to be pass'd, tho not necessary for Union.

My Acquaintance agree with you perfectly in the general, that there is room for Improvement, and that Peace and Piety may be promoted by some Change; and many Thoughts they have spent upon it: but they think that this Matter should be regularly consider'd, and not done by a few hands, and on their own heads. And they are the more apt to suspect the Prudence of the grand Change that is after design'd, because they have so much reason, as they think, to dislike this preparatory Expedient.

Our Constitution may be improv'd tho already very good.

There was, I believe, a Juncture lost at the return of King *Charles* II. and the Popish Party might have some hand in it, as we do the Devil no wrong when we make him a Party to any Mischief. But I believe the Circumstances of that Juncture were a great occasion of the loss, and that one Cause of it might be, the Extravagances of the Proposals the Dissenters then made: For I do not think that Men were so unwise, or so negligent at that time as they may be fancy'd now. Some were stiff, I believe, for every tittle of the old Form, and some were far more unreasonable against the whole. The Fanaticks in the mean while, and the Papists, were for no Settlement at all; and so for fear the Juncture should be intirely lost, it was thought advisable to stay no longer, but to resolve upon the present Establishment: tho it be not absolutely perfect, yet it is, I will say, more perfect than any other in the Christian World, and the prudence of it appear'd in the reception and general submission it had in some little time gain'd; as it would have prevail'd universally, had not the Papists, who found themselves no Gainers by it, broke in upon it by their Indulgence of 1671. and again spawn'd their Conventicles all over the Kingdom. The Papists we know will take advantage by our Discords, and this Bill I would have so order'd as not to occasion them. The Church, without the Dissenters, and united as she is in her self, has been able to make a glorious stand against Popery regnant: But if by the admission of the Dissenters she shall be broken and divided, she may grow weaker by her new Company, and not resist so successfully a second time.

Papists, on the contrary, will be pleased with nothing so much as with our Union.

But I am Affirmative without Proof, a bare Negative is sufficient; Otherwise the Reasons for my Assertion were easily assigned.

This, I confess, is a favourable season, but not by reason of the *Protestant League abroad*; for, under favour, what breach of any Articles under that League will it be if our Church remain unalter'd? Or how does that League enable us to make ever the better Alterations? Favourable it is by our Circumstances at home, if we, who were almost comprehended in the ruin, we at least who were united in the defence of our Religion, would abate of our stiffness for or against smaller Matters, and would be ready to form such a Body as may be more firm and lasting?

May this favourable Season be discreetly us'd; and let it not be lost again by such Proposals as ought to be rejected. This Juncture will not be lost to the Publick, if some Men are not too sedulous to make it favourable to themselves.

I am, *SIR*, your Humble Servant, *M. M.*

Plain

Plain English: *or an Inquiry concerning the Real and Pretended Friends to the* English *Monarchy.*

With an APPENDIX, *concerning the Coronation-Oath administred to* King James *the* Second.

Printed in the Year 1690.

The PREFACE.

SUrrenderers *of Charters,* Abhorrers *of Parliaments, and of Enquiries into the Popish Plot, and other zealous Asserters of the* Divine Right *of Arbitrary Power, having shelter'd themselves under the Pretence of being the only Friends to* Monarchy; *it was certainly no more than needful to wash off those false Colours, with which they have impos'd upon* Prince *and* People: *to shew that* Clergy-men *have preach'd up themselves chiefly, while they strain'd the Prerogatives of the Crown; that they have seldom come to the People, but when they have been cast off at Court; and that the Lay-herd which follow them, were either as selfish, or such as Nature cut out for their Properties, having endued them with no Capacities or Thoughts of their own.* *Who pretend to be Friends to Monarchy.*

But that these courteous Leaders have been as stiff Opposers of the Wills of Princes as any, when Reason of State has oblig'd Courts to use Methods inconsistent with that separate Interest, which has been carrying on ever since Constantine's *Devotion or Bigotry brought Poison into the Church. Nor is it a Wonder that Church-Men of our time gave the late King such a Dispensation from the Rigor of the Coronation-Oath, as may be seen in the Appendix, after he had made a Declaration in favor of the Church of* England, *as that was for* Monarchy; *since the large Endowments which* Constantine *confer'd upon the Clergy in much earlier days, made him pass for an excellent Christian Emperor, long before he was receiv'd into the Church by Baptism.*

A Stranger to the Constitution of the Church of England, *who observes how the Maintainers of the* English *Liberties have been declar'd and declaim'd against from Desks and Pulpits, and that a Man cannot demand Justice of the Betrayers of our Civil Rights without being thought to shake the Pillars of the Church, would be apt to think that the Church and State stand upon different Bottoms.*

But all who are truly concern'd for the Honour of the Church, *will surely joyn in whipping such* Buyers and Sellers out of the Temple; *and will endeavour to remove these Shelterers from behind the* Altar, *lest Men should pull that down to come at them.*

The Church *is never in greater Danger of Profanation, than when it becomes an* Asylum, *and gives Protection to them that fly from Justice.*

It were easy by numerous Instances to shew what Mischiefs have hapned from such Sanctuaries, *and yet Gold has often been the most sacred to those that keep them; who have in all Ages been the most complying, or most obstinate, according as they have been humoured or disoblig'd.*

Tho Clergy-Men (the English *especially) being for the most part of mean Births, unimprov'd by Travel, are the worst Politicians in the World, yet no Men have had greater Shares in publick Counsels and Changes. The Histories of all Ages are fill'd with their Miscarriages, yet they have seldom drawn a greater Load of Contempt upon themselves, than by their late Violences, while the Court and they were well with one another: and nothing but the Insolence of some of them could abate that Pity, which was natural to the Observation how they were carry'd hood-wink'd to Destruction, and were made Tools to subvert their own Religion, and the Civil Rights of the People.*

This

The Clergy in the Intereſt of the Nation before the Reformation.

This muſt be ſaid with Truth, that before the Reformation *they were more ſteddy to the Intereſt of* England, *than they have been ſince; and yet their very Changes ſeem to proceed from the ſame conſtant Principle. For as before the Reformation they had their Preferments by Proviſions and Bulls from the Pope, they were induſtrious in enlarging the Power of their Benefactor; nor did any means ſeem more conducing to it, than ſiding with the People againſt the King, the ſole Competitor with their Maſter; and, would you think it? In thoſe days Clergy-Men were advanc'd for good Works in the Service of their Country.*

Whereas in the two laſt Reigns the more noiſy any of them were in running down thoſe that appear'd for the Intereſt of England, *the more certain were they of ſtanding upon the Pinnacle of the Temple; nor will ſome ſcruple to ſay, that ſome of the pretended Martyrs in the laſt Reign made Proffers of their former Loyalty, if they might be again let looſe upon that Party, which had gain'd a little Breathing from their Proſecutions.*

Certain it is that ſince the Pope has been caſt off here, theſe Men have known where to make their Court: The diſpoſal of Preferments has a Charm next to Infallibility; which made a Man of much Note in our Church affirm, that Penal Laws ought to be enforc'd againſt Diſſenters, that it may be no Man's temporal Intereſt to be of a Religion contrary to that of his Prince.

As we ſhould not have had a Reformation at this Day but for the Laity, 'tis a Queſtion whether ſome of our Clergy will ever quietly ſuffer us to caſt off thoſe Rags of Popery, which our Princes laid hold of upon diſrobing his Holineſs.

If the Oppoſition which many of theſe now give the preſent Government, to the Loſs of thoſe Advantages which they might enjoy under it, be thought an Objection to what I obſerve; it is to be conſider'd that the French *King is yet powerful, the late King at the Head of an Army, and his Lay-Friends here not ſo much diſcountenanc'd or diſcouraged as might have been wiſh'd or expected. Yet ſome are already for halving their Principles, and are willing to quit that inſeparable Right which they have been contending for, if their Doctrine of Paſſive Obedience may be admitted to Court in this Reign.*

But it is not to be imagin'd that they who would not have this King reign over them, tho they occaſion'd his Acceſſion to the Throne, as Storms and Tempeſts make way for fair Weather, ſhould be the Favourites now.

Or that his Majeſty ſhould cut the Graſs from under his own Feet, by ſupporting Men and Notions deſtructive of his juſt Title.

'Tis really wonderful to obſerve what Merit ſome pretend to, for oppoſing him, and the declar'd Ends of his Coming.

Yet hardly any thing is to be wonder'd at in this Age, in which the Betrayers of our Liberties ſet up for Patriots, and even Engliſh *Men have been diſpoſed to bear the Yoke of Slavery as the Ordinance of God, and to think Uſurpations, by Methods and Crimes not to be nam'd without Horror, to be of his Appointment.*

Thus ſome Men have made God Almighty the Author of Evil, in as groſs a Senſe as ever they wreſted the Expreſſions of the moſt rigid Calviniſt.

Notwithſtanding all that I have mention'd, and other things over which I have caſt a Veil, they now wipe their Mouths with the Whore in the Text, and think themſelves clean.

The only Danger to the Government was upon turning the Tables, when Roſcius *could harangue no more true Patriots out of their Lives, and thoſe deſtroying Engines,* Quo Warrantos *and* Innuendos, *with the pernicious Art which turned Words into Deeds, and a Cloſet into a Houſe-top, ceas'd and were no more.*

Who are true to the Intereſt of the Nation.

None were ſo likely to maintain the Rights of Corporations and of the Kingdom, as they who treacherouſly gave them up.

None ſo able and ſo eager to defend us againſt Popery, as they who took care to deſtroy or weaken all Proteſtants not of their Swallow.

None ſo true to the Intereſt of the Church of England, *as they who lay a greater Streſs upon its Ceremonies than its Doctrines, and who turned the Popiſh Plot upon the beſt of its Members.*

None ſo powerful to perſuade the late King to turn Proteſtant, as they who pray'd to God to keep and ſtrengthen him in that Worſhip which they knew to be falſe.

Vid. Arpend.

None ſo fit to mind him of preſerving the Laws and the Proteſtant Religion, as they who left him a loop-hole for Prerogative and Popery in the Coronation-Oath.

Theſe and many more Particulars, in which it is difficult not to be a Satyriſt, *argue me in the following Account, to be rather an inſenſible* Stoick, *than an angry* Cynick.

I know 'tis ſaid I am too free with great Names; but when ſuch Names are ſet up againſt their preſent Majeſties and the publick Good, and when the Example of one of them in refuſing the Oath of Allegiance, in virtue of his adhering to the Doctrine of the Church

Church of England, *is recommended to the Imitation of his Admirers by a ſpruce Chaplain, who talks as if he were preaching over a Martyr's Tomb, from which he expected ſuch Miracles as were believ'd to be wrought at St.* Becket's: *At ſuch a time to forbear to write plain Truths, out of an awful reſpect to Names and Shadows, would be declining the ſervice of my Country.*

As it has appear'd that they with whom I have taken due Freedom were extol'd beyond meaſure, 'twas but a piece of Juſtice to others, to ſhew that they have been as much cry'd down and depreſt without Reaſon, and render'd Enemies to Cæſar, *becauſe they could never look upon him otherwiſe than as an indulgent Father of his People; not ſuch an one as Sir* Robert Filmer, *his Succeſſor the* Obſervator, *and others of that ſtamp would advance; but a Man ordain'd of God for a publick Benefit and Bleſſing: In ſhort, a King* William, *and not a King* James; *or an* Engliſh, *and not a* French *or* Teaguiſh *Monarch.*

Moderate Men true to the Intereſt of the Nation.

It may be ſufficiently evident by what is here hinted, and in the following Narrative, that none but the Whigs, *that is to ſay, the Moderate both Churchmen and Diſſenters, can in Principle be true to the* Engliſh Monarchy, *and to their preſent Majeſties; while others are in Principle and Practice for the late King, and for that lawleſs Exerciſe of the pretended* Rights of Sovereignty, *to which they have tempted more Princes than one to their Ruin.*

And yet when the late King was to fight that Battel, which was the laſt throw for his Crown, they fetch'd themſelves off from Danger with that admirable Diſtinction, that their Doctrine requir'd only a Non-reſiſting, *but not an* Aſſiſting *Loyalty; and that* Non-Reſiſtance is as much as can or ought to be requir'd by the Sovereign Power; *by which they always mean the Perſon of the Prince.*

To examine the Grounds of the Opinions maintain'd on both ſides, with all that has been materially urg'd by either from Reaſon or Authority; and to ſhew what Injury has been done to our preſent happy Settlement by Men of Profeſſions and Principles not fit to defend it, is the Subject of a large Treatiſe ready for the Preſs: in which perhaps I may incur the danger of the ipſo facto *Excommunication pronounc'd in the Canons of* J. 1. *againſt all thoſe Hereticks, who will not believe that we may find an* Engliſh *King in the* Old Teſtament; *or that the terrible Deſcription of the way or manner of Kings, by which one would think that* Samuel *ſought to divert the Jews from their intended Choice, was not made for an Example and Incitement to the Kings of* England, *to do things worthy of their Pedigree from* Saul.

But they who will not take the Law from the Canons, and the Modes of Worſhip from the Cathedrals, I fear will hardly paſs for true Sons of the Church, be their Conformity ever ſo ſtrict, and their Pains for the Church's Stability and juſt Extent ever ſo great.

The Author a Church of England-*man.*

I muſt declare my ſelf of the Church of England; *no Man has a greater Veneration than my ſelf for its* Articles *and* Homilies, *or for many of the* Clergymen, *who I am ſure cannot think themſelves concern'd in any thing here.*

Indeed I always thought the Church to comprehend more than the whole Body of the Churchmen; nor whatever the learned Biſhop Sanderſon *holds, can I believe that the Biſhops, Presbyters, and others, choſen by the Clergy, are ſo much as the* Church-Repreſentative, *with Power to make Eccleſiaſtical Laws: I am ſure I never gave my Conſent to it, nor do I know that God or my Forefathers gave them that Authority.*

Much leſs do I believe with Dr. Sherlock, *that every Biſhop has Right to make Laws, Canons and Conſtitutions in his own Dioceſs; for I muſt confeſs, whatever pretence Biſhops may have to be Succeſſors to the Apoſtles, I ſhould think that the Lay-Brethren ſhould at leaſt be as much intereſted in Councils now, as they were when the Apoſtles preſided.*

Plain Engliſh.

IT has rarely hapned, that *Plain Engliſh* could ſteal abroad without being call'd *Malicious*, by them who could not anſwer it; or *Libellous*, by them who were deſervedly jealous of the Preſs, and therefore the moſt fitting Perſons to have the inſpection of it.

Who have been the Betrayers of their Country.

Hence the Betrayers of their Country, having fatned themſelves with its Spoils, were likely to have been tranſmitted to Poſterity, as Men of Merit for their *Loyalty*. And thoſe *Heroes* who fought it out in the Breaches, and whoſe Blood has been the fruitful Seed of thoſe Liberties we now enjoy, to have been robb'd of their due Honours which would have been transfer'd to others, who, as Magpies, or ſuch other inſignificant Things, cure Agues, were thought to have reliev'd their Country, as they hapned to be the laſt, tho the weakeſt Aſſertors of its Rights.

Paſt and preſent Times ſhew by what good Fortune they were found in that Cauſe, for which the noble Lord *Ruſſel* fell worried and unlamented by them, and without ſo much as their charitable Opinion of the State in which he died.

Nothing but a Liberty of Printing, given or taken, can hinder his Cauſe from being yet render'd vile, and his Aſhes from being trampled on, without Rebuke, by every florid vindicator of Murders in Form, but without colour of Law.

Want of Liberty abuſed.

Thoſe Times which theſe intereſted Writers would juſtify, are far from ſuch as *Tacitus* commends, *Wherein a Man might think what he would, and utter what he thought.*

But ſure I am, no Age is worthy of ſuch an Hiſtorian as *Tacitus*, wherein any Man may not publiſh without Penalty whatever he will ſet his Hand to, and for which he ſtands ready to anſwer the Law: without ſubmitting to the partial or weak Judgment of a mercenary Licenſer; who will take care that thoſe ſcurrilous Reflections upon our happy Settlement, and its worthy Inſtruments, which he licenſes, may paſs uncorrected.

For want of fit Liberty Princes have been abus'd, and Foundations ſap'd, without publick notice: and whoever has ſeen and ventur'd farther than others, has been thought juſtly to ſuffer for being *righteous over-much.*

Be it as it will: As the Intereſt of my Country has ever had the Aſcendent over my Affections, be that and Truth my Licence.

K. James I. wanted Courage.

The Cowardice of King *James* the Firſt, as it made him betray the Proteſtant Intereſt abroad, naturally bred in him a diſtruſt of his People, and ſervile Compliances with Foreign Princes from whom he apprehended any Danger. This made him earneſtly ſollicite a Match for his Son *Charles* with the *Infanta* of *Spain*. The Father's Fears, as it is to be hop'd, rather than the Son's Inclinations, occaſion'd that flattering Letter to the Pope which hangs heavy upon *Charles*'s Memory.

Popery encourag'd by the Match with Fr.

And tho the Match took not effect, the Papiſts obtain'd thoſe Advantages by a cunning management of the Treaty, which were not eaſy to be retriev'd; and were confirm'd and enlarg'd by the Marriage with a Daughter of *France*; the miſchievous Effects of which are viſible, in that amazing Liſt which is to be ſeen in *Ruſhworth* of Papiſts employ'd in that Reign in all manner of Offices.

Downright Popery would not paſs with that King; but a *Laudean Prelacy*, or *Britiſh Patriarchate*, which was little better, had gotten poſſeſſion of his Underſtanding, and prevail'd upon that Prince, who I believe was a very good Man, to do thoſe Actions, which if he had not had the Churchmen on his ſide, would have blackned him almoſt as much as the old Monks do any of his Predeceſſors.

As the Violations in his Time of the Conſtitution of the *Engliſh* Government, are by no means to be juſtify'd; neither can any Man anſwer for his Diſcretion in loſing *Scotland*, merely to gratify the Biſhops here; who could not be ſatisfy'd with Uniformity in their own Churches, without making *Scotland* damn all that would not believe in *Athanaſius*.

The Queen's Party finding the King's blind-ſide, ſtruck in with ſeeming Zeal for the Church of *England*; but that they might ſecure a Retreat if that ſhould not prevail,

vail, ſent ſome upon the Forlorn on the other ſide: And, as Bp *Bramhal* has rightly obſerv'd, till they came to acquaint one another with the Myſtery, many of them were ſurpriz'd at encountering their Brethren in the Field. This muſt be ſaid of them, That tho their Animoſities among themſelves may often proceed to great Heights, they never fail in joining againſt Proteſtancy.

Nor is it now to be doubted, but the Papiſts animated the Epiſcopal Party againſt *Scotland*, and againſt the moderate of their own Members here. And inſinuating themſelves into the Leaders on the contrary ſide, perſuaded them to break off all Treaty with a Prince, who would gladly then have yielded very far, and was not of a Religion which could diſpenſe with the breach of Oaths or Promiſes.

K. Ch. I. Death, the Reſult of Popiſh Counſels.

I find no Reaſon to disbelieve Bp *Bramhal* and Dr. *Du-Moulin*, who offer Proofs, That the King's Death was but in purſuance of Popiſh Reſolutions.

The Anarchy which follow'd is a large Blot in our Annals. The wiſeſt of *Cromwel*'s Counſellors ſaw, that this Government could not ſubſiſt without Kingly Power. And tho his Reputation and Policy for a while kept up the *Protectorſhip* or *Regency*, 'tis a Queſtion whether the then King of *Scots* would not have turn'd him out if he had liv'd a little longer. However, the determination of the other's Power, or any lucky Accident to the King, naturally made way for his reaſſuming the Regal Authority.

Yet while he was out of Poſſeſſion, many of thoſe who upon his Return made the greateſt boaſts of Loyalty, had either drawn their Swords againſt him, or ſervilely flatter'd the Uſurpers. Nor were the Papiſts the moſt backward in ſuch Submiſſions.

K. Ch. II. might have made the Nation happy.

No Prince ever came to the Crown with greater Opportunities of making this Nation happy, and the Proteſtant Religion the prevailing Intereſt over Chriſtendom, than K. *Charles* II.

But the ground of our Misfortunes, next to the vow'd Revenge for the Death of the Father, was, That he had renounc'd the Proteſtant Religion abroad; the proof of which is but too ſtrong.

Preſumption of K. Ch.II. being a Papiſt.

Sir *Allen Brotherick*, who was with that King beyond Sea at the time of his firſt profeſſing the Popiſh Religion, has been often heard to lament the burning of his Journal, wherein the very Day and Circumſtances of it were entred. And I am aſſur'd, that one of his preſent Majeſty's Chaplains (Miniſter of the Place where Sir *Allen* died) can give an account of his Deathbed-Declaration of what he knew in it; with this additional Circumſtance, that it was done in the abſence of the old Lord *Culpeper*; who knowing of it at his Return, fell into a great Paſſion, and told the King, he muſt never expect to ſee *England* again, if it ſhould be known there.

That Lord knew too much for a Proteſtant; and it was thought fatal to him to have had no more jealouſy of a Veniſon-Paſty, than he had entertain'd of his Maſter.

E. of Briſtol's ſaying of K. Ch. II.

The Lord *Briſtol*, who pretended not to be of the Court of *Rome*, tho he profeſs'd himſelf of that Church, if he may be believ'd in what he proteſted to the Houſe of Commons, had given King *Charles* the ſame Advice which had been given to *Henry* the Fourth of *France*, *if he would be truly Great, to be more a Proteſtant than he was.* And perhaps this kept that Lord from receiving thoſe Advantages, which otherwiſe his Religion and great Parts would have intitled him to.

But I never heard that it fared the worſe with Cardinal *de Rhetz*, for adviſing that King in point of Prudence to keep to the Religion of his Country.

However *Mazarene*'s ſanguine Counſel prevail'd; and how ſecret ſoever it was kept, many had got the hint of it, which occaſion'd that Act which made it ſo highly penal to ſay, *That the King was a Papiſt.*

Hungry Courtiers.

At his firſt coming, his famiſh'd Courtiers were very greedy: And they who had made their Fortune in the formers Turns, or encreas'd them by a neutrality, or compliance againſt their Principles, to be approv'd of neither by God nor Man, were beſt able to purchaſe Places of Truſt and Profit. The old *Cavalier* had nothing but his Merits and Sufferings to plead; which how much ſoever they weigh'd with the King, were very troubleſom to a needy Courtier: therefore they had recourſe to two Pretences for turning them off: One was, That others had been us'd to buſineſs, and therefore were more fit for it: The other, That Reaſon of State oblig'd the King to win his Enemies, and to truſt to the Fidelity of his Friends.

Old Cavaliers.

This was the Management while the general Mart of Offices laſted; and while that King ſeem'd to have no Inclinations of his own but to Pleaſure, and ſuffer'd

himſelf to be carry'd like a Child with Leading-ſtrings by his Miniſters, and them who by driving away the indigent old *Cavalier*, engroſs the Name of *Royaliſts*.

The Services of others who had ventur'd all for their Prince, whom they believ'd injur'd, were paſt. But as moſt of them ſeeing the Tendency of the Queen's Party in the Time of *Charles* the Firſt, as much preſs'd an Accommodation between him and his People, as ſhe diſſuaded it; ſo they were, at the return, for promoting an happy Settlement of the Nation. But the *Renegadoes*, or new Courtiers, outvied them clearly in *Super-Loyalty*, and getting into Parliament, merited their ſitting together ſo long, that they became a Reproach to themſelves, and a Burden to the People, whom they loaded with unneceſſary Taxes to feed themſelves, and the new Male and Female infamous Courtiers.

Loyaliſts who ſo call'd.

They were the Men who were the Authors of thoſe Laws which preſs'd ſo hard upon a great part of the Nation, that could not bow ſo decently and in ſuch order as others.

Who garbled Corporations, and depriv'd Men of their greateſt Civil Rights for a Ceremony, either inſignificant, or of too great ſignificancy: As particularly the Sign of the Croſs, which their Canons have declar'd to be a Ceremony, whereby the Child is dedicated to Chriſt.

Theſe are they who conſented to the Repeal of the *Triennial Act*, which put it out of the Power of the Court long to diſcontinue Parliaments, or to turn them off when met, in leſs than fifty days.

Theſe requir'd the Oath in their Intendment, contrary to the fundamental Liberty of the Nation, whereby they would make the King, and them who are commiſſion'd by him, to be as irreſiſtible, as their Severity againſt Diſſenters would argue the Impoſers infallible.

One would wonder how theſe Men, after they had ſhewn the Court that they were ready to merit their Penſions, ſhould ever be turn'd off by it.

Tendency to Popery.

They ſhew'd the Tendency of Popery plainly enough, but they were to make honourable Steps towards it. And therefore the King, not only finding their Salaries chargeable, but that they had ſome nice Punctilio's of Honour to be ſalv'd, propounded to them the granting him ſuch a Revenue for Life, as might eaſe their trouble of meeting for the future; which made them firſt look about them to ſecure the continuance of their Salaries: And from that time, being jealous that their Maſter was not ſo ſincere towards them, as their Truth to his ſeparate Intereſt might require, they began to think of their being *Engliſhmen*.

But to return to the former part of that Reign.

Cavaliers not reliev'd.

Was it not enough to raiſe any Man's Indignation, to obſerve that King often pointing at a thredbare *Cavalier*, who had waſted his Fortune, and moſt of his Blood, in the Service of his Father and Himſelf, to tell his Courtiers, *There goes as brave a Man as ever drew Sword in our Quarrel*, and yet not to relieve him from ſtarving?

Papiſts at the bottom.

The Papiſts, who under-hand play'd the Puppets which came upon the Stage, heightned the Reſentments of ſome for former Sufferings, and the Jealouſies of others, leſt many ſhould ſhare with them. And as the King could have an eaſy Abſolution for breach of his Word at *Breda*, the prevailing Faction gave him Colour for it, by taking the Matter upon themſelves.

Sham Proteſtant Plot.

And to countenance their not coming to that Temper which the Nation expected, the firſt Sham-plot was rais'd upon Proteſtants: Great Numbers of them were impriſon'd without pretence of Law, but merely for ſighing for Liberty, or ſhaking their Heads at the miſtaken Change. The Commitments were ſo illegal, that they were forc'd to make an Act to indemnify them for this violent Oppreſſion of innocent Men; not being then ſo harden'd and fleſh'd with Succeſſes againſt the *Engliſh* Liberties to be paſt fear, as they were upon the like Violences afterwards.

But tho themſelves admitted their Proceedings to have been lawleſs and arbitrary, they had their deſir'd effect, in making ſevere Laws paſs with eaſe againſt a ſort of Men, whom they rendred Traitors to that Power which ſeem'd till then to protect them with an equal Hand.

Theſe for a long time bore the brunt, till their Preachers being driven from them, their Trade ſtopt, civil Privileges raviſh'd, and Families ruin'd, they were forc'd within the Church Walls; and no doubt but Jails, Fines, and Excommunications, aided with the Secular Power, are, next to *French* Dragoons, the moſt ready way to make involuntary Converſions.

But

But whether theſe were in earneſt or no, this Peace, tho ever ſo uncertain, was contrary to the Deſigns and Intereſt of the firſt Movers at Court, who unleſs they could play one Party of Proteſtants againſt another, found they muſt yield to common Proteſtancy.

Toleration granted.

The Court therefore with ſuch a ſtretch of Prerogative, as was in the Time of *James* the Firſt exercis'd in different Inſtances, by the Applauſe of the Churchmen, gave a general Toleration: Which ſome perhaps were ſo fooliſh as to own from the Grant of the Crown. Others were glad that what they always thought allow'd by God, when it might be done without Sacrifice, was become ſafe and ſeaſonable.

Upon this the Pulpits took the Alarm; they who had advanc'd an unlimited Prerogative, diſtinguiſh'd away their own Doctrine, which being new, ſeem'd to bear the greater Latitude of Interpretation: The Eccleſiaſtick Drums call'd their Party to the Field, and they either wheedled or outvoted the confiding Men who wiſh'd well to the general Eaſe of the Proteſtant Subject; and underſtood not their Art, who were forward for it to get an opportunity to betray it.

What Counſels prevail'd in K. Ch. II. Reign.

The King finding he could not help his beloved Papiſts that way, again fell in with the Church, and great were the Endearments which paſt between them. The Duke of *York*, who acted with a pretended Compaſſion for thoſe Proteſtants which were oppreſt, was ſeemingly diſcountenanc'd. The Miniſters of State, even *Clifford* himſelf (who profeſt himſelf a Papiſt at his Death) were zealous Sons of the Church of *England*. The Church and the Crown vied with each other in Complements; the Crown made every Ceremony ſacred, and the Church fetch'd every abuſe and enlargement of Power from Heaven.

Court Deſigns.

In the mean while the Court were under-hand carrying on a deep Deſign againſt the Proteſtant Religion, and the true Conſtitution of the Government. But *Rome* more ſubtile, gave ſo many ſeveral Parts, and its Emiſſaries were ſo faithful to their helliſh Sacraments of Secrecy, that Plotters juſtled Plotters in the dark. And the King, who thought himſelf worthy to be truſted with the whole Secret, began to ſtart from them, at the diſcovery of their Deſign to take him off, as not having obſtinacy or blindneſs enough to run over all the Rubs which lay in the way to the publick Profeſſion of their Religion; for which the Jeſuits thought all things ripe.

Popiſh Plot.

The King, like one rouz'd from a Lethargy, ſeem'd to have a new Life, and to infuſe Spirits into the Nation; the generality of which diſtruſted as little as they were guilty. But when day-light was let into their Deſigns, almoſt all profeſſing themſelves Proteſtants join'd in proſecuting the Plot, till ſome tracing it to *Whitehall* and St. *James*'s, durſt not move further.

Others fearing the Effects of that general Union among Proteſtants, dangerous to Arbitrary Power, and to Engroſſers of Preferments in Church and State, which that was likely to occaſion, uſed all their Art and Induſtry to ſtifle or baffle the Diſcoveries, till at laſt they turn'd the Plot upon them who ventur'd furtheſt in unmasking the Plotters.

Habeas Corpus *&* *Teſt Acts, carry'd by whom.*

'Tis well known who oppos'd bringing them to Juſtice; nor is it to be doubted who were at that time moſt Friends to the Liberties of the Subject. The *Habeas Corpus* and Teſt-Acts, which K. *Charles*'s Fright oblig'd him to paſs, were yielded to the Importunity of the Whigs, who were known to have the far greateſt Majority in Parliament; while the others, tho with unequal Numbers, fought it out with their wonted obſtinacy againſt what was ſo diſpleaſing to the Court, and with great Sollicitation they got their beloved Duke (whom they knew to be a Papiſt) excepted out of that noble Act, which otherwiſe would have turn'd him out of the Houſe of Lords.

Being got rid of theſe Liberty and Property-men, they fell to fining, impriſoning, murdering, and aſſaſſinating thoſe who durſt be honeſt at the hazard of their Fame, their Fortune and their Lives. And had King *Charles* liv'd but one Year longer, giving countenance to the barbarous Inſolences of thoſe who deſervedly have been call'd *Tories*, *England* had been as great a Slaughter-houſe, and the Quarters of its beſt Patriots had been hung up in all publick places, to ſhew Men how dangerous it was to prefer ones Country before the humour of a prevailing Faction.

Then Court-Divinity and Law had almoſt run down Religion and Civil Right.

Diſpenſing Power ſet up.

A Conformity to the faſhionable Mode of Worſhip was preſt as neceſſary to Salvation; and whoever deny'd that the King could make Laws of his ſole Authority, or that the Sovereign Power which makes, repeals, and diſpenſes with Laws, was

was inſeparable from his Perſon, was thought no good Chriſtian or good Subject.

The Scripture was thought to teach the Law of the Land, that to give Authority to Scripture, and the King to both: Nor is it to be wonder'd, that Men of ductile Reaſons ſhould hold this, when it was affirm'd by one of the Leaders, That *if the King be God's Vicegerent, he is upon that account as much above all as God is.*

Strains of Loyalty in faſhion.

Theſe ſtrains of Loyalty from the Pulpit, were eccho'd back from the Benches at *Weſtminſter*, and in the Country, and follow'd with inhuman worryings of all Oppoſers, till the late King mounted the Throne with the univerſal Acclamation of that ſet of Men, who were in ſuch a tranſport of Joy, that one would be tempted to think they ſaw the Day which their Wiſhes, Prayers, and Endeavours had mark'd out as the utmoſt limit to their Deſires.

That King, as he had reaſon, fell a courting that Party, which had not only ſecur'd the Crown to him, but put it in great meaſure into his Power to manage, according to the abſoluteneſs of his Inclination; not only by the Advantages over the Conſtitution which they had put into his hands, but by the Salvo for Prerogative, which ſome of them knew to have been added to the Coronation-Oath,

Vid. Appendix.

without allowable Precedent or Pretence.

And tho they were much diſpleas'd that he ſhould ſo ſoon unmask, and take away the Colours which they were fond of, for impoſing upon their credulous Party the belief of his being a Proteſtant, whereby he depriv'd them of that Reputation with which they pretended to ſerve the Church of *England* of Arbitrary Power; yet ſtill they vow'd Lives and Fortunes. And they who knew what Reſerve had

V. Append.

been in his Coronation Oath for a Prerogative above or beſides the Law, thought themſelves oblig'd to pay that Obedience which they fancied he was thereby intituled to exact; as if a Coronation Oath, perverted by a Confederacy, could alter the Condition of an Engliſh King.

When the valiant Duke of *Monmouth* (who with the *Roman Marcellus*, experienc'd the *ſhort and unhappy Careſſes of the People)* was drawn into the Snare laid for him, they not only inculcated the Duty of Fighting to maintain the late King in his Station (which many of them think themſelves not oblig'd to, in relation to this) but without any regard to Proof or Juſtice, join'd in, or encourag'd the clapping up all, who by their known Zeal for the Religion and Laws of their Country, gave them the leaſt apprehenſion of an Inclination to join with the Duke, or to reſcue the Conſtitution from them who had long made a Prey of it.

And if any Men had the hardineſs to move for an *Habeas-Corpus*, the exorbitant Bail which was requir'd at their Diſcharges, and the recording it as enter'd into for the good behaviour, when no ſuch thing was mention'd at that time, nor would have been conſented to, made the Remedy worſe than the Diſeaſe; nor would the binding over to this in a Court above ſuffice, but the ſame thing was requir'd over again in the Country: every Man knows to what end this was, and how induſtrious they were to make, or find Pretences for Breach of the good Behaviour.

——— Quæque ipſe miſerrima vidi,
Et quorum pars magna fui.———

The unhappy Duke was led to the Block, and his Principles in relation to Civil Power triumph'd over on the Scaffold, by Men who might have entertain'd him with Subjects more ſutable to their Office.

K. J. actings after the D. of Monmouth's Defeat.

The late King, heady in all his Enterprizes, thought by the Conqueſt of *Monmouth*, the general Submiſſion of the Clergy to the Eccleſiaſtical Commiſſion, that Iron Rod which hung over them, the Doctrine of the Pulpit, and Surrender of Charters retaken, with Power for him to diſplace Officers at Pleaſure, till they might be cull'd to his Mind, he might do all things which the Cauſe of Holy Church requir'd: and well he might if he had but hit the right Key; conſidering that the moſt extravagant Notions for abſolute Power had been more than Speculations, and were reduc'd and preach'd into Practice, even while there was an immediate proſpect of his ſucceeding to the Crown, and acting all for the introducing of Popery, which hair-brain'd Prieſts could inſpire into a reſolv'd Bigot.

To the Divine Right of Succeſſion, whatever the Supreme Law, the Safety of the People, may require, a Right which they would allow no Law, Fault or Forfeiture to alter or diminiſh, he owed his Crown, and to their other Illuſions the Opportu-

nity

nity and Temptation to do more towards accompliſhing his Ends, than the juſt Prerogatives of the Crown could countenance, or the Courage of his Party otherwiſe attempt.

And while the nobleſt Patriots were ſingled out for Deſtruction, the People, like the hardned Jews, headed by their Prieſts, were taught to cry, *Crucify, Crucify.*

During which Ferment, the Fundamental Rights of the Nation were, with Safety to the Managers, ſhatter'd and betray'd by unprecedented Judgments for the Diſſolution of Corporations, and diſpenſing with Laws; treacherous Surrenders of Charters, contrary to Oaths to maintain their Privileges to their Powers; which had certainly oblig'd Men to load the Courts of pretended Juſtice with the extorting them all, and not to commit that Ill themſelves which they might fear from others. *Rights of Corporations given up.*

I know they will ſay that many of them had not Mony to make Defences: which could be no Pretence for giving greater Countenance to the Deſigns of the Court by a Surrender, than they could have had by Judgment by Default.

The moſt would extenuate their Guilt, as if it would have been to no purpoſe to hold out, but dangerous to provoke a Court reſolv'd upon having them one way or other.

Theſe Men ought to conſider, that the Succeſs the Court had in this Enterprize, was owing to the Encouragement many of themſelves gave in Practice, as well as avowed Principle. And if all had given what Delays they could, in all probability it had defeated the Deſign: However they ought to have expected God's Bleſſing in doing their Duty; and whoever omitted it out of fear of provoking Men in Power, may, with Mr. *Hobs*, make the outward Acts even of God's Worſhip to depend upon the Pleaſure of the Prince.

But herein lay that King's Misfortune, notwithſtanding the voluntary Sacrifices made to his black Purpoſes, that tho he might have made ſure work of it, by going on in the former Methods, and ſtill playing the prevailing Party upon them, whom they were ready enough to cruſh under their feet: Theſe Methods were likely to be ſlower than could conſiſt with that immediate Freedom for the Exerciſe of the Popiſh Religion, and imploying Popiſh Officers, which his Engagements to *France*, and to his own Prieſts, urg'd him to.

This prompted him to impute his Deliverance from the Duke to the Aſſiſtance of Papiſts, more than Truth, or the forward Merits of others would bear, and to declare that he would not be depriv'd of their Services by that Law which incapacitated them. To give the Papiſts the Praiſe, and the reſt of the Loyal Men the Apprehenſion that their Services would but make way for others more acceptable, might well make them look about them: And yet they profer'd Licence to as many Popiſh Officers as the King for their particular Merits ſhould name, in which caſe he would be ſure not to have been ſparing; but he juſtly expected more from them, who were not uſed to deny any thing which he deſir'd. *K. J. declares he will make uſe of Papiſts.*

If the ſole Reaſon for refuſing the King's Propoſal, had been the breach of Law implied in it, 'tis not unlikely but they would as well have taken notice of the aſſuming a Revenue by Law determin'd, before it was reſettled.

But they differing upon Terms, from that time the Pulpits and Preſs began to change their Note; then the Doctrine of Paſſive Obedience was to be evaded and diſtinguiſh'd into nothing, and not concerning the Conſtitution of our Government, or a confeſſing that Clergymen had gone beyond their Sphere. And the aſſerting that no Laws can derogate from the Power of the Prince, was to dwindle into the meaning no more, than that the Prince does not forfeit his Power if he goes beyond them. And tho all the Rights of the Sovereign Power which makes, repeals, and diſpenſes with Laws, was maintain'd to be ſo inſeparable from his Perſon, that his *moſt illegal Commands had the Authority of Sovereign Power*; yet the *Diſpenſing Power* was deny'd to have been ever allow'd by them: And indeed they did not expect to have had it ſo ſoon turn'd againſt them that gave it. *That alarms many.*

Yet all this while the Principles were not renounc'd, but lay like *Goliah*'s Sword for the Uſe of the Sanctuary. And as without the Spirit of Prophecy, it was foreſeen that it would be us'd again upon occaſion, the preſent Uſe of it as a Spiritual Weapon of ſome, who would appropriate the Church of *England* to their Faction, even againſt this Government, may ſufficiently juſtify the reminding them of the Service it did them in the Reign of King *Charles* the Second, and at the beginning of his Brother's.

And

And he who obſerves how proud ſome are of that Off-ſcouring which they ſeem'd to caſt away, will not condemn thoſe Freedoms with ſuch Men, which the Cauſe of our Country makes neceſſary.

Behaviour of the Diſſenters.

It muſt be own'd that ſome Diſſenters, and others who had ſignaliz'd themſelves by their Sufferings for their Country, finding a Relaxation of thoſe Severities under which they had labour'd till they were ſpent, acted like Men newly come out of a dark Houſe; their Eyes were dazled, and their Heads turn'd round at the ſurprizing Change.

Theſe fawn'd upon the late King, almoſt as groſly as their Oppreſſors had done. And they either baſely, or imprudently, promis'd to promote the Repeal of thoſe Laws which were the beſt Fence they then had againſt Popery, without providing for any other Security.

Some, 'tis likely, thought to over-reach the Court by ſuch mental Reſervations as are ever to be condemn'd. Others being too far tranſported with Reſentment, were rather for putting themſelves into the Hands of Papiſts, whoſe Cruelties they had only read in Story, or heard of at a diſtance, than into theirs, who they were ſure would ſhew them no Mercy.

Regulators.

Theſe Men I muſt leave to inherit their own Shame: But I believe they are as few as Men who deſerve the Name of *Regulators*, who went from Corporation to Corporation to model them after the Humour of the Court. Whoſe Parts admit of but two Excuſes.

The firſt is, That what they did was according to a Power given the King, by thoſe very Men who complain of it.

The other is, That if the chief Rule was to take in Men of the Intereſt oppoſite to them who had been in Power, in all probability it was the occaſion of having the Corporations in much better Hands than they had been in. And that they would be more regardful of their Oaths than the Surrenderers had been. Beſides it is to be obſerv'd, that few if any came in but upon the regular choice of Surrenderers, who continued in till they had admitted enough to turn themſelves out.

The moſt of them who have gone under the Character of *Whigs*, were ſuch, whom no conſideration whatever could draw an Hairs breadth from what they conceiv'd to be the Intereſt of the Proteſtant Religion, and of this Nation. But knowing how eaſy and natural it was for the old Fondneſs between the Court and Pulpit to return upon the leaſt yielding on either ſide; to prevent that Ravage which muſt have been the Conſequence of new Acts of Love between them, when each muſt have given proof of their Sincerity, by ſacrificing to the others Humours and Paſſions, they took Commiſſions and other Offices, from which the former Poſſeſſors were lawfully diſplac'd, either as their Grants had been at the firſt, only during Pleaſure, or as their own treacherous Surrenders had made thoſe which they had by Election as precarious. Tho they could not give up the Rights of others, they no doubt diveſted themſelves.

Many therefore very honeſtly and legally ſucceeded into their Places, hoping thereby to be in Poſts which might give them ſome Advantage of Authority to ſerve their Country upon Emergencies: But ſtill they qualify'd themſelves as the Law requir'd.

They were aſſur'd that it was in the Power of the Court to lure their old Friends when it pleas'd. And upon a Reconciliation, totally to enſlave the Nation, notwithſtanding the continuance of Penal Laws and Teſts, by renewing ſome Commiſſions every three Months, taking in Papiſts, who might have Diſpenſations for all manner of Oaths, or others who would regard no Ties of Religion: Or elſe by acting to ſuch height as might remove all Dangers of the Execution of the Law.

Upon which Conſiderations, ſeveral who had appear'd the forwardeſt in the Cauſe of God and their Country, declar'd a readineſs to conſent to the quitting thoſe diſtinguiſhing Laws, provided they might have ſuch in lieu of them as they ſhould chuſe.

Equivalents in lieu of the Penal Laws and Teſt.

This *Dilemma* was then familiarly us'd; either ſuch a Security as we propound to our ſelves, will be granted, or it will not. If it will be granted, no Man who conſiders the Diſpoſition of them who before were in the Government, and the antient Conſtitution which they had violated, can deny, but if the Conſtitution could be reſtor'd, it would be a greater Security to the Nation, and Proteſtant Intereſt, unleſs we tamely yield it up when we were enabled to maintain it, than could be deriv'd from the particular Laws with ſuch Men to guard as had before betray'd them; and the care about thoſe Laws, which could ſignify nothing but as they were ſupported

ported by the Fundamentals, was but the adorning ſome inward Rooms, while the Foundation was undermin'd, and the Edifice falling.

But if, upon the Treaty, ſuch Terms could not be obtain'd, after the proffer of whatever we could deſire (and ſurely we might well deſire the Reſtitution and Security of Fundamentals) ſuch denial muſt apparently tend to the Confuſion of the Propounders, who then muſt be left to ſtand upon their own Legs, when they demonſtrated to all the World, That Popery was not only their Deſign in all, but what they would carry on at the utmoſt hazard, by themſelves and Foreign Force.

Indeed, to three ſorts of Men this Treaty ſeem'd diſhoneſt. *Treaty not liked.*

1. To them who believ'd that the Power which had been aſcrib'd to Princes was inſeparable from their Perſons; that whatever legal Limits were ſet to that Ocean, might of right be overflow'd when they thought fit. And that they who endeavour'd to give Bounds to it, not only unreaſonably diſtruſted God's Providence, but acted contrary to his Ordinance.

2. To them who always conſulted their own Fears, or other Paſſions as weak; and knowing that it was criminal in themſelves to enter upon any Treaty with their Prince, becauſe of their common inability to deny any thing which he ſhould inſiſt upon (which was evident enough in their giving up Charters for fear of provoking) would, like Mr. *Hobbs*, make their own timid frail Nature a Rule to Mankind; as if they who had upon all Occaſions ſhewn, that neither the moſt diſmal, or the moſt flattering Proſpects could alter their Reſolutions, ſhould, of a ſudden, receive a tranſfuſion of Sheeps Blood from the others, and their Veins had ſwallow'd up all the Manhood.

3. To them who were for ingroſſing all Eccleſiaſtical and Civil Preferments to themſelves, and Men of their *Super-conformity*, and therefore were for keeping all things upon the ſame narrow Bottom; leſt if there were a Relaxation of Terms or Penalties, even to Proteſtants, there ſhould have been too many Sharers in thoſe Benefits, which made them cry ſo loud for the Church of *England* by Law eſtabliſh'd. By which many of them meant, not ſo much the common Proteſtant Religion profeſs'd in this Nation, as thoſe Diſtinctions, which whilſt they enrich'd one Party of Proteſtants, diſabled all others from aſſiſting againſt the Common Enemy, and loaded the Men of Noiſe with *Demetrius* his Character.

If this Proteſtant Nation had, during the laſt Reign, had the guarding their Religion and Laws in ſuch a manner, as not only the Wiſdom of Parliaments might provide, but our Conſtitution has allow'd at all times, when all Confidence between Prince and People was broken; could it be imagin'd that in this Age of Light Popery could have made ſuch Advances as it did, with that ſtraining of Prerogative to which the Court had been encourag'd, even when it was as evident that it was intended, as when it raſhly appear'd bare-fac'd?

Nor can they who were for Expedients to ſecure the Succeſſion to a Papiſt in Reverſion, juſtly condemn ſuch points of Liberty as have often been obtain'd of Poſſeſſors as Matters of mere Right; or elſe, as ſuch, left to the People undiſputed. *Expedients propos'd.*

The Particulars I forbear to mention, not becauſe I cannot ſhew and prove them; but becauſe ſome of them have long lain buried in the venerable Ruins of Antiquity, and ought not to receive Prejudice in being nam'd, when one cannot ſtay to clear the Honour of their Deſcent.

Much leſs can they, who were or are for receiving the *abdicated King*, with or without Terms, upbraid thoſe who were for treating, before they knew of his *preſent Majeſty*'s generous undertaking our Reſcue.

And when it was to be apprehended, that if the late King could have the Advantage of taxing all Parties with an obſtinate Refuſal, to liſten to Terms for their Security, the Numbers of *Iriſh* which were actually here ſhould have been follow'd by *French* Dragoons: And he might have gain'd the ſame Advantage over thoſe who would liſten to no *Equivalents* or *Expedients*, which it is but too viſible that his Brother did.

Nothing more expoſes a Party, than to find thoſe very things in which they ſeem'd to place the eſſential Difference from all others, to be quitted by them as ſoon as Intereſt changes. Who therefore could chuſe but ſmile to obſerve, that ſome who had urg'd that Princes ought to be obey'd in all their Commands, not contrary to God's Law, ſhould refuſe to read the Declaration for Liberty to Diſſenters? *Paſſive-Obedience Principles abandon'd.*

That they who blam'd Men for undutifully fettering Princes, ſhould, when they were well back'd, make Overtures little ſhort of the Nineteen Propoſitions to *C.* I?

Or that they, who muſt admit that our Diſſenting Biſhops did not ſcruple inviting the Prince of *Orange* to take the Government upon him before the late King left the Kingdom, ſhould contend that they are the only true Sons of the Church, who left all things to God's Providence, without interpoſing themſelves till he was actually gone?

Or who could have expected that that Biſhop, who but a little while before had rebuk'd a very worthy and prudent Divine for preaching againſt Popery, ſhould have been one of the Seven?

Or that he who mightily applauded the late King's League with *France*, as a proper means to curb the Fanaticks, ſhould have been another?

Or that he who maintain'd the *Real Preſence*, in ſuch a manner as gave offence to the greateſt Admirers of his Monkiſh Sanctity and Geſticulations, and gave countenance to the praying to Saints, by what he publiſh'd of their Interceſſion for us, while we celebrate their Memories, ſhould have been a Third?

Or that the Duke of *York*'s Chaplain in *Scotland*, whoſe Depth was fathom'd by Mr. *Marvel* in his *Parſon Smirk*, ſhould have been a Fourth?

The 7 Biſhops commended.

I would by no means derogate from the Action, or rather Suffering: it was great for the Perſons, lucky in the time, and crown'd with an Event, which it appears that ſome of them neither deſir'd nor deſerv'd.

But methinks it is not to be indur'd, that Ages of Sufferings in others, greater in Birth, and in all things truly praiſe-worthy, ſhould be nothing in compariſon with what befel them. The fulſom Praiſes which are given them for the firſt Act of that kind, would make one think, it was admir'd only for the Rarity, or extoll'd beyond meaſure, out of a pious Deſign of encouraging Men too backward in the Cauſe of their Country, to go on in the right Path to Fame.

But they muſt not expect that it will be as popular for them to ſtand off from this Government, as it was to have contributed towards it.

Some who have been great Loſers and Sufferers from the Violence of former Times, take a liberty of ſaying, That ſome Men deſerve a Reputation for the oppoſition which they gave to a *Popiſh King*, no otherwiſe than ſuch as herd with, or connive at Robbers, till they come to divide the Spoil, and then fall from them and make Diſcoveries, becauſe they are not allow'd that ſhare which they merited.

However I think they are much more to be prais'd than they, who either make ſome expreſs *Salvo* at the taking of the Oath of Allegiance to their Majeſties, or declare that 'tis imply'd; and that notwithſtanding their Oaths, they may rebel without incurring Damnation. Nor are they oblig'd to aſſiſt with their Perſons or their Arms, to keep this King in his Station.

Reſerved in taking the Oaths to K. W. and Q. M.

Which may deſervedly give a Jealouſy of many who promiſe *Fidelity* to the King, according to their Oaths, in which ſome are guilty of as notorious Equivocations as the Jeſuits: And this is the rather to be ſuſpected, becauſe ſome of them abſolutely refuſe to thank his Majeſty for the Deliverance which he has vouchſafed us. If it be ſaid, that the Church of *England* is not concern'd in this, I would gladly know how it could otherwiſe have ſubſiſted, and how long it could ſtand upon an Intereſt divided from all other Proteſtants: I ſay, not merely Proteſtant Churches, becauſe ſome will allow of no Church where there is no Biſhop, as appears plainly enough in the warm Author of *Vox Cleri*. Some of theſe, contrary to what our Saviour tells us of his Kingdom, would have it to be of this World; and fear leſt if the Terms of Church-Communion ſhould be more comprehenſive of Proteſtants, they whom they call the only true Sons of the *Church* ſhould be out-voted, or of leſs eſteem. Certain it is, that the *lax* Interpretation of the Oath of Allegiance which ſome of them make and publiſh, gives ſuch an Advantage to the Enemys of the State to betray it, as no wiſe Government will ſuffer.

Two Queſtions may ariſe upon this tranſient view of Affairs paſt and preſent.

1. Which of the divided Parties, either *Whig* or *Tory*, have all along been trueſt to the Intereſt of *England*?

2. Which is moſt likely to be firm to this Government?

It muſt be admitted that each Party will reject ſome of their own ſide as Reproaches to them.

Whether Whig or Tory trueſt to the preſent Government.

The *Whigs*, thoſe who truſted wholly to the late Court; or, whoever they are, if any ſuch can be found, who prefer a *Commonwealth* before a *Monarchy*, and are for altering this Form of Government, which the Wiſdom of paſt Ages has moulded as equally as perhaps ever any was, for ſome *Eutopian* State, or other vain *Chimera's* of their own Brains.

The

The *Tories* will now at laſt reject the Guide to the inferior Clergy, and numbers of his Followers.

But when the Biſhops Impriſonment ſhall vie with the Deaths of the Lord *Ruſſel*, Col. *Sidney*, Mr. *Corniſh*, or even Mr. *College* (who wanted nothing but Quality to make him Great living and dying) then ſhall the coming into Offices by virtue of the Surrender of others, or declar'd readineſs to quit ſome particular Laws of known Benefit, for the ſake of ſecuring the Foundations, be a Crime equal to Surrenders of Charters, and the moſt outrageous Violation of the Liberties of the Subject.

Neither Party muſt be judg'd of by the Extravagances of ſome of them: and both will caſt off them who have been ſometimes with the one, ſometimes with the other, and are to be found conſtant in neither.

But for a true Judgment of them both, in relation to paſt Tranſactions before his preſent Majeſty's landing, it is to be enquir'd,

1. Which was moſt zealous in proſecuting the Popiſh Plot, notwithſtanding all the Terrors which encompaſs'd it?

2. Which made the moſt uſeful Laws? And, whether the *Habeas Corpus*, and *Teſt-Act*, or the Acts for unneceſſary and burdenſom Taxes, regulating or garbling Corporations, againſt the Religious Aſſemblies of numbers of good Proteſtants, for ſettling the *Militia* with ſuch Powers as are thereby given, and the Court-Oath, and that which repeals the Triennial Law, were moſt for the good of the People? *Whigs had a great ſhare in paſſing the* Habeas Corpus *Act and Teſt.*

3. Which Party when in Power us'd it moſt according to Law? Or which ſtrain'd the Law, or the Prerogative for ſubverting the Fundamental Conſtitution of the *Engliſh* Government?

4. Which ſort of People 'tis moſt for the Honour of this Government to employ; they, who if admitted in, would raiſe a Jealouſy in the People, that the old Inſtruments of Oppreſſion are made uſe of for the former Ends? Or they who always kept to the Laws, even while they were in Power, and while they lay under the Feet of Men without Mercy, ſuffer'd, tho not with the Applauſe which the Biſhops met with, yet with the true Courage of Confeſſors.

It may further deſerve Conſideration, Whether Men of thoſe Arbitrary Principles which the others profeſs at this Day, will ſuffer this Government to be defended, as it was founded, upon the true Principles of Civil Right?

If their Principles are right, the late King would not act more arbitrarily than he had Divine Warrant for, and conſequently all the Proceedings againſt him were groundleſs.

In relation to what has occur'd ſince his preſent Majeſty appear'd here, in vindication of the Cauſe and Rights of the good People of *England*,

It may be conſider'd,

1. Who were for the Regency, *Whigs* or *Tories*? *Who were for the Regency.*

2. Whether they who were for a *Regency* were not ſo, upon the belief that the late King's Royal Power did remain?

3. Whether ſuch muſt not, if they are true to their Principles, ſuppoſe the late King ſtill to be King *de Jure*, and conſequently look upon this as an Uſurper?

4. For a trial therefore which are for the Government: Suppoſe the late King ſhould land with *French* and *Iriſh* Forces; and his preſent Majeſty, as he certainly would, ſhould march to give him Battel.

Which, is it to be preſum'd, if left to their Liberty, would venture all on his Side againſt the other? Would the Men for the *Regency* act againſt their inviolable Monarch, from whoſe Perſon the Sovereignty is inſeparable? No ſurely, *Touch not my Anointed* would bind up their Hands as with a Sacred Spell.

'Tis the known Perſuaſion of ſuch Men, *That People are made for Kings, as the Conveniences of Life for the uſe of Men:* And therefore they have a Rule, That while a King is kept out of his Kingdom, his preſumable Intention is to govern: And as it is to be preſum'd, that he would have his People preſerv'd till a good Time for his Return, they ought to ſit ſtill while a Force is over them; but are to do nothing which may tend to his Prejudice. How far that Rule has been obſerv'd, may be hereafter conſider'd.

APPENDIX.

The Author's Apology.

IF what I have before obſerv'd be true and rightly apply'd, I hope none that judg by Reaſon and not by Parties, will condemn me for placing thoſe things in a true Light, which otherwiſe might occaſion a Relapſe into that State from which we are but newly recover'd, if we are yet recover'd.

If the naming the Extravagances of paſt Times be madneſs, as ſome are pleas'd to cenſure it, what was the committing them? That Intemperance needs ſmall Apology, which Exceſs of Truth juſtifies, if not requires.

Indeed, to ſpeak or write *Plain Engliſh* is not diſcretion, when a general Corruption has gain'd the Force of Law; but if the like Caution with-hold all Men, and they think it well with the Publick while they are at eaſe, they will be but like careleſs Paſſengers, who ſport themſelves in a gilded Cabin while the Ship is ſinking.

I would gladly know which is the happieſt Man, he who dies with the firſt in defence of his Country, or he who having ſurviv'd the Funerals of his Relations and Friends, at laſt reſigns himſelf to that Slavery, which honourable Death or Victory might have prevented.

As *Juvenal* obſerves of old *Priam*,

Longa dies igitur quid contulit? omnia vidit
Everſa, & flammis Aſiam ferroq; cadentem.

Of all thoſe Particulars which the Service of my Country obliges me to publiſh, perhaps nothing ſeems more improbable than that ſome of our Church, who upon pretence of adhering to the Laws of this Government, diſown the Power which requires an Oath of Allegiance to a Proteſtant King, ſhould themſelves aſſume or act under a Power aſſum'd over one of the Fundamentals of the Government, to give a Popiſh King a pretence to ſet aſide the Laws which ſhould have been ſworn to without reſerve: or that they ſhould diſown that very King's Power to diſpenſe with late Laws, and yet join in the exerciſe of as great a Power over a Law mix'd and interwoven with the Conſtitution of the Government.

Subſtance of the Coronation-Oath.

That the Coronation-Oaths have generally for ſubſtance been the ſame from the very Foundations of the Government, muſt not be denied: The Oaths of the moſt general Expreſſions implying as much as thoſe that are more particular; not but that ſometimes the Lords and Commons have prevail'd upon Kings before their Coronation to ſwear to ſome Charter drawn up for the preſent time, expreſſing ſome Rights which before had been controverted. Accordingly *Matthew Paris* ſhews a memorable Conteſt, 28 *Hen.* 3. for a Charter which was ſworn to at one of that King's three ſeveral Coronations.

But that theſe Oaths cannot, without incurring a *Præmunire* or higher Puniſhment, be alter'd or adminiſtred by Authority deriv'd from any Power leſs than the Legiſlative, is evident from the nature of the thing.

Whether ſuch a Power has been uſurp'd by others or no, let the following Forms ſpeak.

King

King *Edward* the Third's Coronation-Oath.

1 *Edw.* 3. pars 1. m. 24. dorſo.

Arch-Biſhop.

SIre, *Voles vous granter et garder, & per veſtre ſerement confirmer an Poeple Dengleterre les Leys et les Cuſtumes a eux grantes per les aunciens Rois Dengleterre vos Predeceſſors, droitus et devotz a Dieu et nomement les Leys, les Cuſtumes, & les Franchiſeſe grantez au Clerge &* au Poeple, *par le glorious Roy St.* Edward *veſtre Predeceſſor.*

King. *Jeo les grante et promette.*

A B. *Sire, Garderez vous a Dieu et a ſeinte Egliſe et au Clerge et au Poeple pees, et accord en Dieu entirement ſolonc veſtre poiar?*

K. *Jeo les garderai.*

A B. *Sire, Freez vouz fair en toutz voz jugementz ovele et droit juſtice et diſcretion en miſericorde & verite a veſtre poiar?*

K. *Jeo les fray.*

A B. *Sire, Grantez vous a teiner les Leys et les Cuſtumes droiturels les quelz le Communate de veſtre Roiamme aurai eſlu et les defendrez et afforceres al honeur de Dieu a veſtre poiar?*

K. *Jeo les grante et promette.*

Mr. *Prynn*'s Epiſtle to his third Tome.

This, without any other Interrogation, Admonition, or Clauſe concerning maintaining and defending the Holy Church and her Liberties.

King James *the Second's Coronation-Oath.*

Liber Regalis apud Decanum Weſtminſt. And Sandford's *Account of the Coronation.*

Arch-Biſhop.

SIR, Will you grant and keep, and by your Oath confirm to the People of *England* the Laws and Cuſtoms to them granted by the Kings of *England* your lawful and religious Predeceſſors, and namely the Laws and Cuſtoms and Franchiſes granted to the Clergy by the glorious King St. *Edward* your Predeceſſor, according to the Laws of God, the true Profeſſion of the Goſpel eſtabliſhed in this Kingdom, and *agreeing to the Prerogative of the Kings thereof, and the antient* Cuſtom of this Realm.

King. I promiſe and grant to keep them.

A B. Sir, Will you keep Peace and godly Agreement intirely according to your Power, to the Holy Church, the Clergy and the People?

K. I will keep it.

A B. Sir, Will you to your Power cauſe Law, Juſtice and Diſcretion in Mercy and Truth, to be executed in all your Judgments?

K. I will.

A B. Sir, Will you grant to hold and keep the rightful Cuſtoms which the Commonalty of this your Kingdom have; and will you defend and uphold them to the Honour of God ſo much as in you lieth?

K. I grant and promiſe ſo to do.

The Requeſt or Petition of the Biſhops.

Biſhops.

OUR Lord and King, we beſeech you to pardon, and to grant, and to preſerve unto us, and the Churches committed to our Charge, all Canonical Privilege, and due Law and Juſtice: And that you will protect and defend us, as every good King in his Kingdom ought to be Protector and Defender of the Biſhops and Churches under their Government.

King.

With a willing and devout Heart I promiſe and grant you my Pardon, and that I will preſerve and maintain you and the Churches committed to your Charge, all Canonical Privileges, and due

due Law and Juſtice; and that I will be your Protector and Defender to my Power, by the Aſſiſtance of God, as every good King in his Kingdom ought in Right to protect and defend the Biſhops and Churches, and their Government.

Then the King ariſes out of his Chair, and goeth to the Altar, and there kneeleth upon the Steps, and maketh a ſolemn Oath, each in the ſight of all that great Aſſembly, to obſerve the Premiſes; and laying his Hand upon the Holy Bible, ſays,

Theſe Things which I have here before promis'd, I will perform and keep. So help me God, and the Contents of this Book.

Reflections on the Coronation-Ceremonies.

Hence it appears,

1. That they who adminiſtred the Coronation-Oath to the late King, left out the Proviſion in the antient Oath for the Peoples enjoying St. *Edward*'s Laws, being only concern'd for the Church, according to what others have very lately declar'd.

2. They us'd a ſpecial Clauſe, added to the old Coronation Oath, by virtue of which new Clauſe the King is bound not only to protect and defend the Biſhops and Churches under their Government (where they divide the National Church into as many Cantons as there are Biſhopricks) but he is forſworn if he do not preſerve and maintain to them all Canonical Privileges: And if this be taken according to the former Part, where the King is oblig'd to maintain St. *Edward*'s Conceſſions to the Church; 'tis a queſtion how a Proteſtant King of this Realm could keep his Oath.

3. That which gives Countenance to Popiſh Church-Privileges, is requir'd of a Popiſh King without any Reſerve; but the other which ſhould ſecure Civil Rights, has a *Salvo* for Prerogative.

I may very well ask by what Authority the Coronation-Oath which the late King took was adminiſtred, and deſire to ſee that Act of Parliament, Record, or other Evidence of Antiquity which warrants it. If the like Form is to be found in the Book of Oaths kept by the Dean of *Weſtminſter*, that I dare ſay equally ſhews the Novelty of it.

If it be inſiſted on, that it is in the diſcretion of the Archbiſhop, and ſuch other Biſhops as he ſhall adviſe with, either to make or uſe a new Form; then I think they are equally inexcuſable, in not taking as much care to ſecure the Proteſtant Religion under a Popiſh King, as they did for Church-Privileges, and for the King's protecting and defending Biſhops, and the Churches under them; which he might do under Popery, with conſiſtency to that Oath.

But great is *Diana.*———

A modeſt INQUIRY *into the Cauſes of the preſent Diſaſters in* England.

And who they are that brought the French *Fleet into the* Engliſh *Channel, deſcrib'd.*

Printed in the Year 1690.

TO ſee the *French Maſters at Sea*, and the *Engliſh* Glory thus ſunk in the Eyes of all *Chriſtendom* by a Complication of *Diſaſters*, cannot but raiſe the Curioſity of all true Lovers of their Country to inquire into the Source and Cauſe of ſo important Events. That we who have been able to make ſo great a Figure in the World, even long before the Acceſſion of the Crown of *Scotland* to *Ours*, and to turn the Scale of *Europe* to whatever ſide we eſpous'd; and who have ſo often dy'd with our Enemies Blood the Fields of *France*, and acquir'd ſo many Laurels in that Country, ſhould at this very moment be oblig'd to turn our Backs to that very *Enemy* whom we have ſo often beaten, and upon that very *Element* which Nature and the Poſſeſſion of ſome Ages had made properly *our own*; who could ever have dream'd! Let us therefore inquire into the Cauſes of our preſent Misfortunes, and let us do it with that impartiality the Subject requires. It's but juſt the Authors and Abettors of *England*'s Miſeries ſhould be retriev'd from Oblivion, and their Infamy ſhould be handed down to the unhappy Children, that ſhall have Reaſon to curſe their Fathers Villanies and Treaſons.

Late Plots in England *how manag'd.*

England within theſe few years has been amus'd with *three* different *Plots*, and to be carry'd on by *three* different *Parties*; but at the *bottom*, we have had but *one Plot*, and that carry'd on and manag'd but by *two Parties*, in conſtant *Friendſhip* with one another. We firſt of all ſaw a *Popiſh one* laid open and diſcover'd, with as *demonſtrative Clearneſs*, as ſuch Helliſh Works of Darkneſs could admit of. The King *ſeem'd*, and the Parliament and whole *Nation* did really *believe* the Reality of this Plot. But within a little time theſe two unhappy Parties, the *Papiſts*, and the High-flown *Paſſive-Obedience Men* (both equally the Cauſe of all our Woes) join'd hand in hand to turn this Popiſh Plot into ridicule; and by a complication of *Subordinations*, *Intrigues* and *Perjuries*, they at laſt got it hiſs'd out of doors.

True blew Proteſtants. Bill of Excluſion.

Then it was the Pulpits began to ring with Outcries againſt thoſe *true blew Proteſtants* (as they and their admired *Buffoon*, *L'Eſtrange*, call'd them in deriſion) who had the ſaucineſs to endeavour the *Excluſion* of the then *Duke of York* from the *Crown*, as the only means to ſave *England* from a Ruin that threaten'd her. There was nothing at that time to be heard, in the moſt of our Churches, but *the Divine Right of Succeſſion*; *the ſingular Loyalty of the Duke to his Brother*; *and the Horridneſs of the Attempt to ſet ſo Pious, ſo Generous, ſo well-natur'd a Prince beſides the Throne*: Yea, it was become a kind of Treaſon to dare to ſay, *he was a Papiſt.*

It was not enough the *Popiſh Plot* ſhould be hiſs'd off the Stage; our two loving Parties employ'd their utmoſt diligence to ſham the World with a *Whig Plot* (for ſo they chriſten'd it) as the only proper Method to revenge themſelves upon the wiſe and more moderate part of the Nation, that had been more forward than others in the Diſcovery of the *Popiſh one*. How this ſham Proteſtant Plot was manag'd, and what Sacrifices were offer'd up to the Revenge of an *implacable Prince*, the barbarous Murder of the Earl of *Eſſex*, with the illegal Executions of the Lord *Ruſſel*, *Algernon Sidney*, and many others, do ſpeak out more than words can.

Whig Plot.

This *Whig Plot* was eccho'd in the *Pulpits* with all the villanous Names Hell could invent: And to be a *Whig*, was then a thouſand times worſe than to be a *Mahometan*. Every little Creature that had got into a Pulpit by the Beneficence of a Patron, perhaps as ſilly as himſelf, thought he could not ſufficiently deſerve his ten or twelve Pounds a year, unleſs he belch'd out once a Sunday, all the ſtench he poſſibly could againſt the poor Whigs; and indeed the ſo doing was the propereſt way to come

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to Preferment. Now under the Name of *Whig*, they comprehended then, as well as now, not only the Diſſenters, but all thoſe of the Clergy or Laicks, that came not upto that mad height of *theirs*, in point of *Ceremonies*, *Paſſive-Obedience*, *Divine Right of Succeſſion*, and the like.

King *Charles* being hurried off the Stage, God knows how; the *Duke of* York ſucceeds with the loud Acclamations of the two Parties I have nam'd, and with the *ſubmiſſive Silence* of the reſt of the Nation. Our Highflown Church-men ſtrove, which of them underſtood the Art of Flattery beſt, in their Addreſſes to King *James:* And ev'ry *thirtieth of January* was ſolemniz'd with Peals of Ordnance from the Pulpits againſt the poor Whigs, for not only taking away the Life of the Father, but endeavouring to exclude the beſt, and the moſt pious Prince in the World, his Son, from the Succeſſion, by that *accurs'd Bill of Excluſion.* Indeed this *Anniverſary Day* had ſomething in it like the *Bacchanalia* of *Rome*, wherein Slaves and Servants might ſafely inſult and hector their Maſters: And it often fell out, that a ſilly Fellow, who by Importunity, and perhaps worſe means, had gotten into a Living, durſt on this *general Madding Day* reproach to his Face his Patron that gave him Bread, merely becauſe he was either a Whig, or at leaſt would not bellow out Reproaches againſt that ſide, as loud as others.

Flattery us'd to K. J.

But alas! poor King *James* ſoon loſt the Kindneſs of theſe his former *Votaries:* For he who had been told every day, *he might do what he pleas'd, and was accountable to none but God*, thought he might ſafely venture to make trial of the *Paſſive Obedience* of them that told him ſo. Here he was mightily miſtaken, and hence he may date all his Misfortunes. The Devil might much more juſtly ſay of theſe Paſſive-Obedience Gentlemen in relation to King *James*, than of *Job* of old in relation to God Almighty; *Do they ſerve thee for nought? Haſt thou not made a Hedg about them, and about their Houſe, and about all that ever they have on every ſide? But put forth thine hand now, and touch all that they have, and they will curſe thee to thy face.* And as long as King *James* was careſſing them, and giving them not only good Words, but good Deeds, eſpecially *a beloved Power to trample on the Diſſenters*, then it was, he *was the beſt King in the World:* But whenever his Jeſuited Counſellors had adviſ'd him to infringe in the leaſt theſe Mens Privileges, then their Complaints of King *James* were heard further off than *England*, and the very Nations abroad were deafen'd with the Noiſe of their trifling Afflictions; and indeed more they were not, if compar'd with what other People met with from that Prince's *Miniſters.*

K. J. complain'd of by Churchmen.

Then was there nothing heard of among theſe Gentlemen, *but how far the King had broken his Oath to maintain the Church of* England, and how far he had invaded their *Liberties* and *Privileges*, but eſpecially in *allowing a Toleration to the Diſſenters.* For a Toleration to Papiſts alone, they would eaſily have ſwallow'd; but that the Diſſenters (whom in their Pulpits they had a thouſand times over call'd worſe than Papiſts) ſhould be free from their Clutches, and enjoy a perfect freedom from their Cenſures, was a thing intolerable to them. Their ſecret Murmur broke out at length into open Complaints; and in fine, his preſent Majeſty, then *Prince of Orange*, could get no reſt from their Importunities; but come over he muſt, and *ſettle things on a ſure bottom:* And they were moſt active in inviting him over to *England.*

Prince of Orange *invited to come over.*

The Prince, from a generous Principle of Zeal for the Proteſtant Religion, which was indeed by this time on the brink of Ruin, and which none had haſten'd more forward than our *high-flown Paſſive-Obedience Men*, *undertook* an *Enterprize* of the greateſt *Conſequence* that this *Age* has ſeen, and ventur'd his *All* to retrieve *three Nations* from a Fate that impended over them. The beſt and ſobereſt part of the *Nation* roſe for *his Majeſty* upon his landing; and who prov'd more *forward* than *ſome* of *our Paſſive-Obedience Men themſelves* at that time? They not only declar'd for him, they not only addreſs'd King *James* for a Parliament in order *to pinion him*, which is all one on the matter as to *dethrone him*; but likewiſe upon that King's going away, they meet with the reſt of *the Peers and Members of Parliament*, and jointly invite the Prince to take upon him the *Government*, and to exerciſe a *Power* that wanted *nothing of a King* but the *Name.*

Paſſive Obedience Men forward to join with the Prince of Orange.

One would have thought that *Party*, and the *Gentleman* at *Lambeth*, their *Head*, had been very *cordial* in *bringing about this Revolution*, ſince they went as far as any of their *Neighbours* at firſt in all the Steps of it. But alas! We were miſtaken, theſe *worthy Gentlemen* had other aims than we knew of. They concur'd in the inviting the Prince of *Orange* over to *England*; in declaring for him after he came; and in fine, in addreſſing him to take upon him the *Goverment* in ſo difficult a Juncture. But this was all in order to make uſe of the Prince of *Orange*'s *Name*, *Power and Intereſt*, to

to bring about the Redreſs of *their triſling Grievances.* That *Prince* they were reſolv'd to make but a *Tool* of for their little ſelf-ends, whereof one was *the utter abaſing of the poor Diſſenters*, and laying them at their Mercy. I confeſs I cannot but laugh at the inſupportable *Folly* of theſe *unthinking Creatures*, that could imagine, the Prince of *Orance*, who made ſo great a Figure in *Europe*, and whoſe Preſence was of ſo great neceſſity on the *Continent*, could be impos'd upon to come over to *England* in the heart of *Winter*, amidſt a thouſand *Dangers*, and at a vaſt *Charge*, and that merely to faſten, forſooth, *a tottering Pillar or two in the Cathedral of* Canterbury, *or the Chappel of* Lambeth. That illuſtrious Prince was born for greater Glories than thoſe; and theſe poor Monkiſh Stateſmen are not able to fathom the *Genius* of a *Hero.*

Their Deſign at firſt.

No reward but that of the Crown was ſufficient for the mighty favour the Prince had done us, in delivering us from *Popery* and *Slavery*: And there was indeed no other means left to aſſure us of ſafety, in ſo perplexing an Event, as that of King *James*'s going away, and the Conſequences that did attend it. But to ſet the *Crown* upon the Head of a *Prince*, who being brought up in a foreign Church, they ſuppos'd would prove no blind Bigot to theirs, was a thing our *High Prieſt* and the reſt of the *Gang* could not bear. A *Popiſh Prince*, ſo be it he would grant them a high hand over the *Proteſtant Diſſenters*, they would rather truſt on the Throne, than a *Proteſtant one*, who they knew would never conſent to ſuch Practices.

Q. how the Paſſive Obedience men can reconcile their inviting the P. of O. with their Actings ſince.

And here I would fain know of our *Lambeth Holy Club*, what mighty difference there is betwixt the inviting a Foreign Prince to invade by Arms the Right of their *Jure Divino* King (as they call King *James*) and thereafter addreſſing that Prince to accept of a Power, which only belongs in their ſenſe to Kings; and that of ſwearing Obedience to that ſame Prince after he is actually declar'd and conſtituted King by the Nobility and Repreſentatives of the People? How comes it that theſe Gentlemen were ſo free to do the firſt, and think it ſo unpardonable a ſin to do the laſt? It's with conferring of Crowns, as with another Civil Contract, of which the Law ſays, *Multa impediunt Matrimonium contrahendum, quæ non deſtruunt contractum: Many things may hinder a Marriage from being at firſt entred into, which cannot diſſolve it after it's conſummated.* So many things might have been ſaid to hinder the Crown from being confer'd upon his Majeſty, which cannot have any place now, after he is by Act of Parliament ſettl'd in the Throne. And to any Body, but theſe that are wilfully ignorant, the inviting and aſſiſting his Majeſty againſt the late King, before the Crown was confer'd upon him, was a greater Invaſion of their darling Principle of *Paſſive Obedience*, than the ſwearing to him after he is declar'd and acknowledg'd King by the Parliament.

The Plot againſt the preſent Government.

The King and Queen being thus ſettl'd on the Throne, we have immediately the effects of theſe mens inconſtancy expreſt in a *third Plot*, whereof we are now principally to treat: Which has been manag'd chiefly by the diſaffected Clergy and Laicks; for the Papiſts have really the leaſt Share in it. The firſt ſtep the Clergy made, was the writing *againſt taking the new Oaths to their Majeſties, enjoyned them by Act of Parliament*; and the buzzing into the Ears of their poor ignorant Votaries, the *Unlawfulneſs of thoſe Oaths, and the continuing Right of King* James *to the Crown.*

An inſtance of a Clergyman in the North.

This piece of their Artillery, it was thought, would have done ſome conſiderable Execution: But alas! a great many of the Gentlemen themſelves who had been induſtrious to perſuade others to refuſe the Oaths, could ſo little digeſt the loſs of their *Livings*, as they choſe rather to take theſe unlawful Oaths (as they call'd them) than to expoſe themſelves to the leaſt Suffering. And I remember a pretty Story of a *Reverend Divine* in the *North* on this Occaſion: He had damn'd to Hell in his Sermons, all that roſe for King *William*, before he was declar'd King; and ever after he was declar'd and crown'd, to this very day, would never pray for him: He had in all Companies, but more eſpecially among thoſe of his own Character, exclaim'd againſt the taking the Oaths, and told them over and over again, that he had rather beg than take them: His Inſinuations, and (as they expected) his Example, prevail'd with a great many of the poor *Parſons* and *Curates* of the Country, to let the time expire that was appointed for taking the Oaths. But the Gentleman himſelf, the very laſt night of the prefix'd time, comes ſtealing in to the Magiſtrates of the Town where he liv'd, and takes them without any Scruple. But enough of this worthy Divine.

There being very few of our diſaffected Clergy that had the Courage to lay down their Places for the Oaths, the next ſtep of the Plot was, to cheat the World and their own Conſciences with a ridiculous and fooliſh diſtinction of taking the Oaths

Fooliſh diſtinction of King de jure and King de facto.

to a King *de facto*, but not *de jure*. The Deſign of this Diſtinction was firſt to ſalve their own Conſciences, and to vindicate themſelves from the Reproaches of their Comrades, who had abſolutely refus'd to take the Oaths. And 2*ly*, To bear it upon the minds of the People, that their Majeſties were not lawful and rightful King and Queen of *England*, but *de facto* only, that is, in plain *Engliſh*, *Downright Uſurpers*. This was ſo little adverted to, even by ſome of the honeſt Clergy, that in ſeveral of their Writings for *taking the Oaths*, they ſeem'd to grant the Diſtinction; which was indeed upon the Matter a granting the Queſtion, tho theſe worthy Perſons had no ill Intentions in it. And indeed what could be more efficacious to alienate the Hearts of the People from their Majeſties, than either to ſuppoſe them King and Queen *de facto* only, or to buzz into the Peoples ears, that in ſwearing Allegiance to them, they thereby acknowledg no lawful Right to the Crown to be in their Perſons? This diſtinction did not only give them ſcope to take the Oaths to their Majeſties, but alſo to pray for them *by Name* in their Pulpits. But yet ſome of them, of more Sincerity than the reſt, would not pray for them by Name at all; and yet to prevent any Trouble from the Law, they wiſely pray'd in *general Terms for the King and Queen*. Here was a pretty way of playing faſt and looſe with God Almighty: He might take it in what ſenſe he pleas'd; either for King *James* and Queen *Mary*, or King *William* and Queen *Mary*: And thus both God Almighty, and the Act of Parliament were ſatisfy'd. Others of a more nice Stomach yet, would not pray for *the King and Queen*, but for *the King and the Royal Family*: A rare Maſter-piece of Wit! The word *King* takes it either King *William* or King *James*, and the *Royal Family* takes in all: And ſo be ſure, the *Parſon* muſt hit write one way or other.

Equivocation in their Prayers for the K. and Q.

The next ſtep of the Plot was this: The Act of Parliament enjoyning the Oaths to their Majeſties, it ſeems, admits of ſome favourable Interpretation in Law, upon the part of thoſe *that only preach, but have no Cure of Souls*. Before they came to find out this noble Invention, the Plot was lame, becauſe the Machines that mov'd it, were debar'd from the Pulpits, where their Train would take beſt. The whiſpering in Corners was only ſmall Shot, but the Thunders from the Pulpit would certainly do mighty Execution; and no fitter Place to erect a Battery, than upon a Velvet Cuſhion.

Liberty to preach notwithſtanding the Act of Parliament.

Some wiſe Lawyers having found out this happy Defect in the Act of Parliament, one of the greateſt Champions was detach'd from the Body of the Army, to beat the Road, and try this new Experiment. And then D. *S.* with the loud Acclamations of the Party, mounts the Chair firſt; and as an Introduction to his Sermons, gives his Auditory an Account of the happy Diſcovery he had made, of ſo great a Bleſſing to Mankind; *as his having Liberty to preach to them, notwithſtanding the Act of Parliament about taking the Oaths.*

This *Achilles* was follow'd by a great number of leſſer *Mermidons*; who partly by ſtealth, and partly by the Pious Zeal of ſome of their own ſort of *Church-wardens*, got up into ſome Pulpits in *London*, and a great many more in the Country; where they were led about in Triumph. This was a downright Invaſion on the *Act of Parliament*; for it was never the meaning of the *Lawgivers*, that only the *Cure of Souls* ſhould fall under the Compaſs of the *Act*, and that thoſe who would not take the Oaths, might have leave to preach, and thereby *Trumpet up the People to a Diſſatisfaction with the Government.*

Hiſtory of Paſſive Obedience.

All theſe *ſteps* of the *Plot* were to be back'd with another *Engine* of theirs; and that was the publiſhing to the World *the Hiſtory of Paſſive Obedience*. In order to this *Maſter-piece* of Learning (for ſo muſt certainly a bare Collection of other Mens Writings be) a *Reverend Club* meets at *L.* where they muſter up a great many Expreſſions of *Engliſh* Divines, both Antient and Modern, to eſtabliſh their Notion of *Paſſive Obedience*. Altho the moſt of the Citations of this Pamphlet be far wide of the Queſtion, and refer only to Obedience to Magiſtracy in general, and the Unlawfulneſs of private Perſons their riſing up againſt the Government upon every frivolous pretext: Yet this ſilly Pamphlet was handed about in Triumph among the *Party*, and it was a damnable Sin for any of the *Gang* to want it off his Table; yet many times the Bible that lay there before for faſhion, was remov'd to give place to this new Gueſt.

New Liturgy contrived.

But alas! All that's paſt, was but ſmall drops before the Deluge of Rain that ſucceeded. The next Engine of the *Plot* is the happy Reſult of a kind of *Oecumenick Council* of the whole Party: The Liturgy of the Church of *England* muſt be laid aſide, and a new one muſt be calculated for the Meridian of King *James*'s *tottering*

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ing Fortune: And the greateſt Wonder of all is, That the *Council* who publiſh'd this new Liturgy, did not uſher it in with, *it ſeems good to the Holy Ghoſt, and to us.*

In this new Liturgy they inſinuate to the World, that in effect all that are for their Majeſties Intereſt, were *without King, without Prieſt, and without God in the World.* A dreadful Doom, before a terrible Tribunal! None are indeed at this rate, within the Compaſs of the Church, but this *Holy Jacobite Club*, and their Followers. But let us hear the very Words of this part of the Liturgy; *Reſtore us again* (ſay they) *the publick Worſhip of thy Name, the reverend Adminiſtrations of thy Sacraments; raiſe up the former Government both in Church and State, that we may be no longer without King, without Prieſt, and without God in the World.* *Paſſages of the new Liturgy.*

But the loudeſt blaſt of their Trumpet we meet with, when they come to pray for the late King *James*: it's here the Holy Club has exhauſted all their Rhetorick and Zeal in the following Words. *Send forth* (ſay they) *thy Light and thy Truth, and let them preſerve us. Protect and defend thy Servant our Sovereign Lord the King. O prepare thy Loving Mercy and Faithfulneſs, that they may preſerve him. Strengthen his hands, and the hands of all that are put in Authority under him, with Judgment and Juſtice, to cut off all ſuch workers of Iniquity as turn Religion to Rebellion, and Faith into Faction* (a pretty gingling of the Letters, mightily conducing to the Force of the Prayer) *that they may never prevail againſt us, or triumph in the Ruin of thy Church among us. To this end defend the King, bind up his Soul in the bundle of Life, and let no Weapon form'd againſt him proſper. Be unto him a Helmet of Salvation, and a ſtrong Tower of Defence againſt the Face of his Enemies. Let his Reign be proſperous, and his Days many. Make him glad according to the Days wherein thou haſt afflicted him, and for the Years wherein thou haſt made him ſuffer Adverſity. Give him the Necks of his Enemies, and alſo every day more and more the Hearts of his Subjects. As for thoſe that are implacable, clothe them with ſhame; but upon himſelf and his Poſterity* (that is, the Prince of *Wales*) *let the Crown flouriſh.* I have been at the pains to copy out thus much of the Prayer, that we may thereby ſee in what a praying Frame the Gentlemen were, when they compos'd it: And the Truth is, I do not remember we ever ſaw them ſo tranſported with an extatick fit of Zeal, in all their Prayers for King *James* when he was upon the Throne. *The Prayer for K. J.*

The General Council having thus compos'd this new Liturgy, there were above 10000 of them printed and diſpers'd up and down among the Party. And to this very day they uſe them in their Cabals, laying aſide a great part, and ſometimes all the old Liturgy: For alas! the old Liturgy comes not up to the Heat and Zeal of this new one; and how many old Women are become very devout upon it, that had almoſt been worn out of all Love for the Old one many Years ago; eſpecially if they have any little odd Mony to ſpare to the poor diſtreſt Clergy, that have left their Places for pure Conſcience ſake. *Ten thouſand Copies of the new Liturgy printed.*

Now at the very time the great Guns of theſe new Prayers are thus furiouſly playing, the Club are working a Mine under Ground to widen the Breach, in order to a general Aſſault. There are a great many of King *James*'s Officers, and other Well-wiſhers about Town, that muſt be taken care of, until things be ready for a final Inſurrection, wherein there will be uſe for them. To this effect there are ſo many of the Holy Club detach'd up and down, to perſuade monied People, who wiſh well to the Cauſe, to contribute for the ſubſiſtence of theſe caſhier'd Gentlemen. There are no inconſiderable Sums of Mony levied and paid upon that account; among the Collectors of which there muſt be one Fellow that eat King *William*'s Bread. And certainly it were worth the while, to be preſent at one of the Meetings of the General *L.* Club, to hear what extraordinary fine Perſons they extend their Care and Charity to upon this account; and to learn the little Arts theſe great Stateſmen put in Practice, to perſuade the ſilly old Women to tell down their Duſt, for carrying on ſo Pious a Work. *Moneys rais'd.*

But now I come to the main Points of this noble Contrivance, and it may indeed be called the Plot by way of Eminence; all that went before being but an Introduction to it. His Majeſty from a noble and boundleſs Courage, will needs venture his Perſon once more for the ſafety of theſe Kingdoms, and his Journey to *Ireland* is concluded upon: In order to this Expedition, the moſt and the better diſciplin'd part of the Army are to attend his Majeſty; and it will be impoſſible to leave any conſiderable Force behind him in his abſence. Like as the Tranſportation of the Queen of *Spain*, and the Convoy of the *Straits* Merchant-men, had carried a conſiderable part of our Fleet to the *Mediterranean*: And another part of it was to attend *K. W. his Expedition into* Ireland.

tend his Majeſty and the Army to *Ireland*: So that our Fleet was not to be ſo conſiderable, as otherwiſe it would have been.

All theſe Circumſtances raiſed the Courage of our Plotters; and now was the only and fitteſt time to give the blow: In order to which, their mighty Patron the *French* King muſt be induc'd to act a conſiderable, and in effect the moſt dangerous part. They knew that his own Intereſt was linked intirely with that of King *James*; and that it concerned as much the *French* King in this Juncture to ſupport King *James*, and to maintain a War againſt King *William* in his own Kingdoms, as if the Kingdom of *France* it ſelf were at ſtake. The *French* King, from long Cuſtom, knew how to improve his Gold in *England* to advantage, and many a conſiderable return had he made of that ſort of Trade. Our Plotters know beſt the Genius of the People, and where to beſtow this Gold to the beſt advantage. They had been well acquainted with all the Villanies and Treacheries of the two laſt Reigns; becauſe ſome of them had a conſiderable ſhare in them: And they wiſely conſidered, that if they, by ſome *French* Gold, could gain Offices or Places to thoſe of their own Party, then they would be Maſters of all the Secrets of the Nation; and it ſhould be their own fault if they improved not the Intelligence they might have from them, to the forwarding King *James*'s Affairs.

K. J. and the French *K's Intereſt linked together.*

It was not only Places and Offices, wherein Intelligence is properly to be had, but even thoſe in the *Fleet* and elſewhere, our Plotters expected to have Men of their own Stamp put in with their Gold: And whether they fail'd in the laſt or not, I cannot tell; ſure if they did, it was not for want of Pains or Mony, for they ſpar'd neither.

The King being gone; Admiral *Killigrew* being in the *Straits*; and Sir *Cloudeſly Shovel* in St. *George*'s Channel; and the *Holland* Squadron not yet join'd ours, nor ours fully met: Then was the time for our Plotters to put their long thought-on Deſign in Execution. In order to which, at one of their General Meetings in *London*, where it was neceſſary ſome of the Clergy ſhould be preſent to Bleſs ſo Pious a Work; it was concluded to give in a Memorial in Name of the Loyal and Diſtreſs'd Subjects of *England* (for ſo they nam'd themſelves) to his moſt Chriſtian Majeſty; Humbly inviting him, out of his extraordinary Goodneſs, and for the Affection he always bore to oppreſt Virtue, that he would aſſiſt them in reſtoring their lawful King, his antient Ally and Confederate, to his Throne; and in breaking the Yoke of Uſurpation, under which theſe three Nations were at this time ſo heavily groaning. But it will be abſolutely fit here to inſert the very Words of their Memorial it ſelf, as it has been diſcover'd by a certain Perſon of late, and as it was expreſt in the *French* Tongue, in which it was Originally written, and given in.

The Memorial of the Plotters to the French *King.*

The MEMORIAL is thus:

To the Moſt Serene and moſt Invincible Prince, *Lewis* the Great, His Moſt Chriſtian Majeſty; the Memorial of the Loyal and Diſtreſt Noblemen, Clergy, Gentlemen, and others, of all Ranks, within the Kingdoms of *England*, *Scotland* and *Ireland*, at preſent under the Fetters of a Cruel Uſurpation.

Great and Invincible Monarch!

THE Reſplendid Rays of Your Majeſties Virtues have render'd all the World your Adorers: And that Inherent Goodneſs of which Your Majeſty ſtands ſo tranſcendently poſſeſt, does render You the only Sanctuary of all the Diſtreſt. It's in the Confidence which this Your unparallel'd Goodneſs gives us, that we in all humble Duty preſume to lay our Sighs at Your Majeſties Feet: And that we Implore Your Royal Favor and Aſſiſtance, to rid us out of the great and inſupportable Afflictions we lie under at preſent.

It's in your Royal Arms and Bounty we repoſe our Hope and Confidence; and expect to ſee Our Lawful King, Your Antient Friend and Ally, reſtor'd to the rightful Throne of his Anceſtors, out of which Wicked Men have thruſt him. And becauſe this is the moſt proper time for your Majeſty to aſſiſt us with the expectation of Succeſs, we have preſum'd to lay before you the preſent favourable Circumſtances, that do concur to make your Majeſties glorious Enterprize the more eaſy; which are principally theſe.

1. *The*

1. *The Prince of* Orange, *the Uſurper, is juſt now on his Journey to* Ireland; *and being once arriv'd in that Kingdom, if a part of your Majeſties Fleet were able to block up* St. George's *Channel, the Uſurper's Army would certainly be ſtarv'd, being that all their Proviſions come by Sea from* Scotland, *and* England; *and that part of the Country they are Maſters of, is already haraſs'd and ruin'd by both Armies, both the laſt Year and this.*

2. *The Uſurper has partly ſent before, and partly takes along with himſelf, the whole almoſt, and the better diſciplin'd part of the Army: And leaves behind him but a very few of the* Engliſh *Regiments; who ſerve more out of Neceſſity and Fear, than out of any Love to him or to the Intereſt.*

3. *The Forces he leaves behind are ſo very few, that they are ſcarce capable to keep Guards in the* Tower, Savoy, Somerſet-houſe, *and at* Whitehall *altogether; and the three Regiments that are ſent for out of* Holland, *will not be yet ready for ſome weeks to embark; neither is it thought they will ſtir a foot, becauſe of want of Pay. Like as both Officers and Soldiers are not entirely devoted to the Uſurper's Intereſt, the moſt of them being in the Service of our lawful King, before he was neceſſitated to leave us.*

4. *Moſt of our Fleet are at ſo great diſtance one from another, that they cannot this Year make any conſiderable Body, there being the beſt and ableſt Seamen and Ships with* Killegrew *in the* Straits, *and with* Shovel *in* St. George's *Channel, amounting together to no more than nineteen Ships of War.*

5. *There are likewiſe employ'd for Convoys, and about the Weſtern Coaſts of* Scotland, *to the number of five or ſix Ships, all ſeparately.*

6. *The* Dutch *Squadron is in no appearance to be here to join ours of a ſudden, both becauſe they are not yet in a readineſs, and that the Admirals of* Holland *make ſcruple, and are highly diſcontented to ſerve under our* Engliſh *Admiral. Moreover, tho they were join'd us, they will but make up at the moſt twenty Sail of Ships, and them none of the beſt, conſidering their talleſt and beſt mann'd Ships are out upon Convoys.*

7. *Our own Fleet is ill mann'd, and the Soldiers and Seamen extremely diſcontented for want of their Pay; ſeveral of the Officers were thoſe that belong'd to our King before he went away.*

There are Five more Articles in this Memorial that for certain Reaſons I will not copy out, only I'll tell the Reader they are of a piece with the reſt, and full as ill. Here are ſome Truths, but a great many more Lies, and ſuch as none but People of their Gang could be capable of. And if the Reader's Curioſity tempt him to be very inquiſitive how this Memorial came to light, let him wait but a little, and perhaps he will ſee both it, and the Deliverers and Contrivers of it made publick enough. *Reflections on the Memorial.*

It might be thought ſtrange, that this General Council ſhould venture their Credit to invite the *French* King over to *England* upon no better or ſurer Grounds: for, by the bye, the Deſign of the Memorial was to bring them over; and there had been ſome two or three other Memorials before this, over and above a conſtant Correſpondence betwixt the *French* Miniſter *Monſieur de Croiſie* and them. But the very Truth is, The Clergy who were the great Contrivers and Managers of this, and who by their Profeſſion are for the moſt part extraordinarily credulous of any thing they incline to, did really believe, that immediately upon the appearing of the *French* Fleet, and the burning of ours (which they thought as ſure) there would certainly be a general Inſurrection through a great many places of the Kingdom, in order to join them at their landing, and to declare for King *James*. They knew how buſy they themſelves had been to buzz into the ears of all People they had any Intereſt with, Jealouſies of the Government; and the reaſonableneſs of calling back a Prince that was, by an unalterable Divine Right, their King. They knew how buſy they had been in every Corner, to whiſper the great and heavy Taxes the Kingdom lay under in this Reign; and how greatly Trade was decay'd of late. When in the mean time theſe Wretches were conſcious to themſelves, That we had given more to King *Charles* to throw away upon his Whores, than we had given to King *William* to reduce *Ireland* to the Crown of *England*. They likewiſe knew, that the Diſſenters had been of late a little diſoblig'd by the continuing the *Sacramental Teſt*, and by the 500 *l. Bill*, and ſome other things that ſeem'd very hard, conſidering their hearty affection to King *William*'s Intereſt. They knew that ſome of the moſt moderate part of the Church of *England*, call'd *Whigs*, had met with ſome Mortifications of late, in the *Elections for Parliament*, but more eſpecially in the *change of the Lieutenancy of* London. They were alſo pretty well acquainted *Changes in the Lieutenancy of* London.

quainted with the Temper of ſome Men in Offices both in the Lieutenancy and Militia, who had gone a conſiderable length in the high-flown Courſes of the late Reign. And they were eaſily induc'd to think, that they who had gone the greateſt length in betraying the Liberties of the City of *London*, and in *packing up Juries*, and the like, could never be cordial Friends to the preſent Government. All which things prevail with theſe new kind of Stateſmen to believe, that a general Inſurrection in *England* was one of the eaſieſt things of a Thouſand; conſidering the Abſence of the King, and ſome other things mention'd in the *Memorial*. But they counted without their Hoſt; and whether out of Fear, or want of Power, none of the Male-contents of *England* durſt ſtir a foot in the Cauſe they wiſh'd ſo well to.

What the French *did upon this Memorial.*

The *French* King giving ear to the Repreſentations and Importunities of theſe Gentlemen, put all his Wit on the rack to get Mony to equip the greateſt Fleet that ever that Nation ſet to Sea; and at a vaſt Charge he brought the *Thoulon* Squadron round the whole Continent of *Spain*, and thro the *Straits* to join his *Breſt* Fleet: He left not behind one Seaman that could be found in *France*, and ſcarce one Ship more of any Force in all his Harbours. Upon the notice given him by his truſty Penſioners here, he directs his *French Armado* ſtraight for the *Iſle of Wight*, where our Fleet was to rendezvous; and if it had but arriv'd there ſome few days before it came, we had not had twenty Ships together at that place: Yet ſo near were we to ruin, that albeit our Fleet was become by that time pretty ſtrong, and moſt of the Ships arriv'd; yet if Heaven had not turn'd the Wind in a Moment, they had every one of them in all probability been burnt at Anchor. The *French* Fleet paſſing in ſight of *Weymouth*, the Mayor of that place did very wiſely diſpatch two Expreſſes, one for the Queen, and another for my Lord *Torrington* the Admiral: But the Wind blowing a fair freſh Gale, the *French* Fleet had certainly been amidſt ours before the *Weymouth* Expreſs could poſſibly reach *Portſmouth*, if the Wind had continued but ſome hours longer. Our Fleet being in this imminent, and almoſt inevitable hazard, and the *French* being within a few Leagues of them, the Wind in an inſtant turn'd about, and put a ſtop to their deſign'd and eaſy Victory, by obliging them to lie by.

Sets out a mighty Fleet.

Providence favourable to us.

This happy Providence counter-acted all the Plots of our Enemies both at home and abroad, and we had time given us to prevent the Deſtruction that threatned us. And to compleat the Mercy, it fell out that at that very preciſe time this happned, there was a full Diſcovery made by ſome Perſons here, who had been concern'd in the Plot all along, of their whole Affairs and Tranſactions both with *France* and at home.

We read of one of the Nations of *Aſia*, that when any ſignal Misfortune befals their State, they immediately thereupon offer up to their angry Deities ſome of their Prieſts, as a Sacrifice to atone their Wrath; becauſe, ſay they, *Thoſe Prieſts ought to have taught us how to have pleas'd the Gods ſo as not to provoke them to inflict ſuch Judgments upon us.* The truth is, it's a wonder the *Engliſh* Nation, upon the Affront that has befallen them, in being forc'd to turn their backs to the *French* at Sea, have not in their fury *De-Witted* ſome of thoſe Men who have brought all this upon us, both by inviting the *French*, and by the Intrigues they have manag'd at home: And I muſt tell them, that the Crimes of the two unhappy Brothers in *Holland* (which gave riſe to that word) were not fully ſo great as thoſe of ſome of them; and yet their Puniſhment has been one of the ſevereſt that any Criminals ever met with in this Age.

Seamen againſt the Plotters.

I am very inclinable to believe, that all the Officers and Seamen of the Fleet have been Proof againſt the Inſinuations of our Plotters; and that they have not yielded to the Temptations of *French* Gold; tho at the ſame time I do not doubt, they have been aſſaulted with both: And if ſo, the wonder is the greater, if it be true what is talk'd ſo freely up and down, That a great many of the Officers have bought their Places with Mony. It's hard to believe there are any ſuch Practices in *England* as the buying and ſelling Places, eſpecially thoſe in the Fleet, upon which depend both the Safety and Glory of *England*: But if any ſuch thing be, then the Retreat we have been forc'd to make, will certainly open the Eyes of our Governors, to ſee the mighty and almoſt irrecoverable Prejudices that attend ſuch ſlaviſh Methods of getting Commands; and will put them upon employing fit Perſons, in *whoſe Fidelity and Valour we may ſafely truſt.* Altho I be far from vindicating the late Uſurpation of *Cromwel*, yet I cannot but admire the choice he made of brave and skilful Commanders in the Fleet; under the Conduct of whom *England* got ſo much Glory in the War againſt the *Dutch*: Over and above their Valour and Skill, thoſe Commanders

The Glory of the Engliſh *Naval Power preſerv'd in the Times of Uſurpation.*

manders both in their Practice and by their Orders, kept up the ſtricteſt Diſcipline among their Soldiers; and if there were any Immoralities committed amongſt them, it was by ſtealth, and not in face of the Sun. It's to be confeſs'd, it's very hard for ſome Men to reſiſt the Temptations of deprav'd Nature, and they are to be in ſome meaſure pitied, when they do it in a manner that expreſſes their ſhame of it. But when Men commit the groſſeſt Immoralities in the open view of the World, it is in it ſelf an outbraving of God Almighty, and a virtually denying of his Juſtice, or of his Power to exert it. And it's ſtrange how any can dare to expect Succeſs from Heaven, when they are openly declaring War againſt it by their avowed Impieties. And I am afraid we wait for Succeſs in vain, as long as in our Armies and Navies, among our Officers and Soldiers, there is not a Reformation, at leaſt of open Immoralities.

But to return to the *French* Expedition: Our Murmurers and Plotters were ſtrangely elevated with the expectation of its Succeſs. In their fond Imaginations King *James* was already at *Whitehall*; and ſome of them were publickly in Coffee-houſes acting the part of a Herald, in marſhalling his triumphant Entry into *London*. Never was our new Liturgy, I ſpoke of, ſo thredbare as now, with being ſo often ſaid over and over again in private Meetings of the Party: And the ordinary ſubject of their Diſcourſe was, the *Greatneſs and Magnanimity of the* French *King*, *the Number and Force of his Fleet*, *the Weakneſs of ours*; and ſometimes a *Defect of his Majeſty's Forces in* Ireland, to keep them in heart. Their Impudence was arriv'd at that height, that in *open Exchange*, one of the long Robe was pleaſed to ſay, with relation to the *Hollanders* loſs in the late Engagement at Sea, That *they were well paid off for the Preſent they had ſent us ſome twenty months ago.*

K. J. expected at London, *and the inſolent behaviour of the* Jacobites.

But that none of that Party may want the due Praiſe their Writings deſerve, I'll give the Reader a *Dedication* made by one of them (and him of the long Robe too) to the *French* King not many Months ſince, when the Plot was juſt on the Wheel, and which for the nobleneſs of the Stile I muſt commend, tho the Matter of it be downright Blaſphemy: *Immortalitati & Æternitati Nominis & Numinis Lodovici Magni, Galliarum Imperatoris, Clementis, Victoris, Felicis, ſemper Auguſti, ob Egregiam Pietatem & Regiam Munificentiam, erga Afflictos Principes Britannicos nomine Britannicarum Inſularum,* hoſce Verſiculos Anglice *conſcriptos, humillime conſecrat.* In *Engliſh* thus; *To the Immortality and Eternity of the Name and Divinity of* Lewis *the Great, Emperor of* France, *Victorious, Happy, Merciful, Allwiſe, Auguſt; in acknowledgment of his Royal Goodneſs and Bounty towards the afflicted Princes of* Britain; *Theſe Verſes written in* Engliſh *are in name of the* Britiſh *Iſles moſt humbly conſecrated by*, &c. Thus we ſee how far an *Engliſh Jacobite* can outvie a *French* Poet himſelf in the Art of *Blaſphemous Flattery.*

Inſcription made on a Monument for the Fr. *King.*

But how ſoon are all theſe kind of Peoples hopes laid in the duſt, upon the arrival of the news of his Majeſty's glorious Victories in *Ireland?* And how far has it counterpois'd the Joy they had ſome days ago for the Action between the two Fleets? A little time will ſhew, that notwithſtanding all they have done to ruin him, no body will be more forward than they to fawn upon his Majeſty's good Fortune, whenever once they are quite out of hopes of King *James* retrieving his. But ſure the Government will be wiſer, than ever to dart any of its warm Beams upon ſuch kind of Creatures, any farther than to let 'em live the Scorn of all honeſt Men, and the Hatred of every one that loves his Country and Religion.

Thus have I given ſome of the Reaſons of the late Diſaſters (if I may call them ſo) which we have met with within theſe few days in *England*, tho they are more than made up by our wonderful Succeſs in *Ireland*; yet I muſt call it a Diſaſter, to be oblig'd to retire without obtaining a full Victory over the *French*, and to ſee the *Dutch* Squadron receive ſo great a Damage, without being able to come up to their Aſſiſtance. And the conſideration of this has forc'd from me ſome Expreſſions againſt the Authors and Abettors of theſe Misfortunes, that perhaps I would otherwiſe have ſpared: And I call God to witneſs, that nothing but Love to my Country and Religion, to their Majeſties Perſons and Government, has extorted them from me.

When I have ſpoken ſo much againſt the Practices of our diſcontented Clergy, both Reaſon, and my own Inclination, do oblige me to admire and praiſe the wiſe and pious Conduct of that part of the Clergy who have been true to their Country, and to their Religion, and have not (as ſome others of their Character) reſiſted the Mercies of God, that have been wonderfully manifeſted in delivering us from Popery and Slavery; but who by their Precepts and Example, have excited their People

Commendation of the honeſt part of the Clergy.

ple to receive these Mercies with all the just return of Thanks. God forbid that I should be so unhappy, as to be mistaken in any of the Reflections I have been oblig'd to make of the Carriage of some of that Order; or, that I should be thought to derogate in the least from the singular Learning, Piety and Zeal, that shine visibly among the Divines of the Church of *England*, by any thing I have said against those who are indeed a Reproach to that Church. I must confess, there is one thing that has mightily provok'd me against these Male-contents, and that is, their venomous and ill-natur'd Reflections, both in their Discourses and Libels, against some of the first Luminaries of the Church, whose Books they are not worthy to bear; and that merely upon the account of their Affection to the present Government. And altho these Reverend and Excellent Persons are pleas'd, by a Miracle of good Nature, to suffer their Follies and Impertinences; I know no reason why others, that have not the Honour to be of that Sacred Order, should spare them.

An Answer to the Paper delivered by Mr. ASHTON *at his Execution to Sir* Francis Child, *Sheriff of* London, *&c. Together with the Paper it self.*

Printed in the Year 1690.

Mr. *Ashton*'s Paper.

Mr. Sheriff,

HAVING *observ'd that the Methods of making Speeches at the place of Execution was not always attended with the design'd Success; and thinking it better to imploy my last Minutes in Devotion and holy Communion with my God, I have prepar'd this Paper to leave in your Hands, as well to assert my Principles, as to testify my Innocency. As to my Religion, I profess, by God's Grace, I die in the Faith into which I was baptiz'd, that of the Church of* England, *in whose Communion (nothing doubting of my Salvation thro the Merits of my Saviour) I have always thought my self safe and happy: According to her Principles and late much-esteem'd Doctrines (tho now unhappily exploded) I have regulated my Life, believing my self oblig'd by my Religion to look upon my rightful lawful Prince (whatever his Principles were, or his Practices might be) as God's Vicegerent, and accountable (if guilty of Male-administration) to God only, from whom he receiv'd his Power; and always believing it to be contrary to the Laws of God, the Church, and the Realm, upon any Pretence whatsoever, to take up Arms against him: and let all the World take notice, in this Belief I die. But I have more particular Obligation to the King my Master, whom I have had the honour to serve, and receiv'd many signal Favours from him for sixteen Years past; so that Gratitude (a thing not much esteem'd at this time) as well as Duty and Religion, commanded the utmost Service I could pay him. And when I add these Considerations, that we were born his Liege Subjects, that we have solemnly profess'd our Allegiance, and often confirm'd it with Oaths; that his Majesty's Usage after the Prince of* Orange's *arrival was very hard, severe, and (if I may so say) unjust; and that all the new Methods of settling this Nation have hitherto made it more miserable, poor, and more expos'd to Foreign Enemies; and the Religion we pretend to be so fond of preserving, now much more than ever likely to be destroy'd: There seems to me no way to prevent the impending Evils, and save these Nations from Poverty and Destruction, but the calling home our injur'd Sovereign, who as a true Father of his Country has (notwithstanding all his Provocations and Injuries) a natural love and tenderness for all his Subjects; and I am so far from repining at the loss of my Life, that had I ten thousand I*

should

ſhould think my ſelf oblig'd to ſacrifice them all, rather than omit any juſt and honeſt Means to promote ſo good and neceſſary a Work; and I adviſe and deſire all my fellow-Subjects to think of their Duty and return to their Allegiance, before the ſevere Judgment of God overtake them, for their Perjury and Rebellion: but certainly the Good and Intereſt of theſe Nations, abſtracted from all other Conſiderations, will e're long convince them of the neceſſity of doing it.

Having thus frankly declar'd my Principles, I know the Inference will be, that I have acted accordingly, and conſequently that I am now juſtly condemn'd: but as I ingenuouſly own the Premiſes, ſo I as poſitively deny the Conſequence; for whatever my Inclinations or Actions have been, yet, as to the Matter I was ſentenc'd to die for, I declare my ſelf Innocent, and will appeal even to the Judges themſelves, Whether or no, upon my Trial, there appear'd the leaſt proof that I knew a tittle contain'd in the Papers; but Preſumption was with the Jury thought ſufficient to find me Guilty, tho I am told I am the firſt Man that ever was condemn'd for High-Treaſon upon bare Suſpicion or Preſumption, and that contrary to my Lord Coke's *and other eminent Lawyers Opinions. The knowledg of my own Innocency, as to the Indictment and Charge againſt me, was that that arm'd me with ſo much aſſurance, and occaſion'd my caſting my Life upon the firſt twelve Men of the Pannel, without challenging any. But tho I have, I think, juſt reaſon to complain of the ſevere Charge given by the Judges, and hard meaſure I have receiv'd, not to mention my cloſe Impriſonment, the haſty and violent Proceedings againſt me, nor the Induſtry us'd in the return of fitting Perſons to paſs upon me, the denying me a Copy of the Pannel,* &c. *Yet, as I hope for Pardon and Forgiveneſs at the hands of my God, ſo do I moſt heartily pray for, and forgive them, and all my Enemies, all the World, nay even that Judg and Jury-man who did ſo ſignally (contrary to common Juſtice) expoſe themſelves to deſtroy me. But let the Will of God be done; I rely wholly upon his Mercy and the Merits of my bleſſed Saviour for Salvation; I do chearfully and intirely reſign my ſelf into his Hands, as into the Hands of a faithful Creator, in ſure and certain hopes of a happy Reſurrection. Bleſs, protect, and ſtrengthen, O Lord God, my good and gracious King and Maſter; in thy due time let the Virtue, Goodneſs, and Innocency of the Queen my Miſtreſs, make all her Enemies bluſh, and ſilence the wicked and unjuſt Calumnies that Malice and Envy have rais'd againſt her; make her and theſe Nations happy in the Prince of* Wales, *whom, from unanſwerable and undoubted Proofs, I know to be her Son; reſtore them all when thou ſeeſt fit to their juſt Rights, and on ſuch a Bottom as may ſupport and eſtabliſh the Church of* England, *and once more make her flouriſh, notwithſtanding the Wounds ſhe hath receiv'd of late from her prevaricating Sons.*

Forgive, forgive, O Lord, all my Enemies, bleſs all my Friends, comfort and ſupport my dear afflicted Wife, and poor Babes, be thou a Husband and a Father to them; for their ſakes only I could have wiſh'd to live: But pardon that Wiſh, O good God, and take my Soul into thy everlaſting Glory. Amen.

JOHN ASHTON.

The ANSWER.

THE Paper which paſſeth under the Name of Mr. *Aſhton*'s *Speech*, ſeems to me to be compos'd with too much Art and Care to be the Work of one who profeſſeth, he *thought it better to employ his laſt Minutes in Devotion*: And if he was *ſo illiterate and unskill'd in the Law*, as he ſaid at his Trial, *Fol.* 111. one may juſtly wonder not only at ſuch Terms as *Impending*, *Prevaricating*, *Premiſes*, and *Conſequence*, &c. but at ſuch a peremptory Judgment as he gives *about the Laws of the Realm*, in a Caſe that muſt be acknowledg'd by all ingenuous Men of his own Party to have a great deal of difficulty in it.

Reaſon to ſuſpect its being made by another hand.

But there are ſome Men who think to bear down all others by their Confidence, and would have it taken for granted, that the whole Nation (themſelves excepted) is under the guilt of *Perjury* and *Rebellion*.

These are the modeſt Terms in this Speech, which at leaſt do not become the Charity of one juſt going out of the World. Therefore I rather believe it to be drawn up by ſome Perſons of more Art and Leiſure, who thought it beſt to convey

Uncharitableneſs in the Speech.

their own *Sentiments* (as they call them) under the more popular Name of one who suffer'd for their Cause.

But the weight of what is said doth not depend on the Person, and therefore I shall calmly and impartially consider the Things themselves, and shew how unjust and unreasonable the Insinuations are which respect the present Government, and all such who act in obedience to it.

There are two Things this Paper is said to be design'd for, *to assert his Principles*, and *to testify his Innocency*. For his Principles he professeth, *that he dies in the Faith and Communion of the Church of* England. And he might have liv'd longer in both if he had pleas'd; for I cannot see how the *Faith and Communion of the Church of* England oblig'd him to do that for which he suffer'd. But by the *Faith of the Church of* England, he means the *Doctrine of Passive Obedience*. Be it so; however he suffer'd not for his *Passive Obedience*, but for the want of it: If he had regulated his Life by this Principle, he had preserv'd it; yet he saith he did so, and died for it. There must be certainly then some great Mistake about the *Doctrines and Principles of our Church:* I always thought those are to be found in the Articles and Constitutions of it. Which of these did he suffer for?

Passive-Obedience Doctrine not the cause of his suffering, but want of it.

They are, he saith, *her Principles and late much esteem'd Doctrines, tho now unhappily exploded.* I know of no Doctrines or Principles of the Church of *England* which are exploded among us; and therefore this is unhappily insisted on by a dying Man, unless he had given some proof of it.

Well; but he believ'd himself oblig'd by his Religion to look upon his rightful, lawful Prince (whatever *his Principles were, or his Practices might be) as God's Vicegerent, and accountable to God only, from whom he receiv'd his Power.* All this he might have done, and have been alive still; for the Matter in dispute is not whether *rightful, lawful Kings are to be obey'd*, but who in our present Circumstances is our rightful, lawful Sovereign; not whether Kings be not God's Vicegerents, but whether God doth not sometimes confer the Right of Sovereignty by a Law superior to the Laws of particular Countries, that is, by the Law of Nations, which establisheth such a Right upon the Success of a just War; not whether Sovereign Princes are not accountable only to God, but whether Allegiance be not due where the Rights of Sovereignty are plac'd, by an extraordinary Act of Providence, and the concurrent Consent of the Nation. But he goes on; *And always believing it to be contrary to the Laws of God, the Church, and the Realm, upon any Pretence whatsoever to take up Arms against him, and let all the World take notice in this Belief I die.* I had much rather have taken notice that in this Belief he liv'd, for I see no reason of his dying for it. For, why must a Man be said to die for *not taking up Arms*, who was condemn'd to die for a Design just contrary, *viz.* for the subverting the present Government by Domestick Insurrections and Foreign Power?

K. W. our only lawful Sovereign now.

So that the Question is not about Passive Obedience, but to whom it is due; I grant, that the Laws of God and of the Realm are to determine the measures of our Obedience: But here lies the only Point, whether the Rights of Sovereignty may not be transferred by the success of a just War, and the Consent of the People: For if they may, then according to his own Principles he suffer'd justly. And if the Directors of his Conscience did not speak to this Point, they led him into a dangerous Error, and have been too much the occasion of his Suffering.

Measure of Obedience determin'd by Law.

Therefore to clear this whole Matter, and to prevent the like Mistakes in others, I shall endeavour to state the present Case of our Government, so as to shew both that it is our Duty to submit to it, and that no Principles or Doctrines of the Church of *England* are violated thereby.

To do this, we must of necessity look back to the Occasions of this great Revolution: And there were two principal Occasions of it.

First, Great and violent Presumptions of an Injury to the Right of Succession.

Secondly, Too great Evidence of a formed Design to subvert the establish'd Religion and Civil Liberties of the Nation.

Now there are two very material Questions which arise from hence.

First, Whether these were the *just Occasions* of a War?

Secondly, Whether upon the Success of this War the *Rights of Sovereignty* were duly transferred?

If these were *just Occasions* of a War, and upon the Success thereof the *Sovereignty* was duly transferred; then there can be no Dispute left to whom our Allegiance is due.

Occasion of the late Revolution.

It is taken for granted by all who understand these Matters, that as there is a *Law of Nature* which determines the Rights and Properties of particular Nations; and that all private Persons are bound to submit to the municipal Laws of those Societies for their Peace and Security: So there are other Laws which concern those Nations, as they make up several Independent Governments upon each other. And there are several Rights which belong to them with respect to one another, which do not belong to private Persons as they live in subjection to any particular Government.

And as there are such Rights, so there must be a just and lawful way for Reparation of Injuries. In particular Governments, the thing is plain by establish'd Laws and Courts of Judicature, whose Sentence is executed by the Civil Power: but in Separate Nations and Independent Governments, altho there be Laws by Consent call'd the *Law of Nations*, yet there is no common Judicature to determine of Right or Wrong; and therefore in case of Injury there is an Allowance for the injur'd Party by this *Law of Nations* to right himself by Force, as there would be to every particular Person, if there were no Laws nor Power to see them executed.

There is then a Right in every Sovereign and Independent Prince to exercise Force against another Prince who detains any Right from him, or doth any Injury to him, or to those he is bound to defend.

The Question then comes to the *Just Occasion* of such a War, and here are two assign'd.

Occasion of wrong done to the right Succession.

First, Great and violent Presumptions of an Injury to the Right of Succession. This is expresly mention'd and insisted on, in the Declaration of the then Prince of *Orange* (our present King) in these words——'But to crown all, there are 'great and violent Presumptions inducing us to believe that those evil Counsellors, 'in order to the carrying on of their ill Designs, and to the gaining to themselves 'the more time for the effecting of them, for the encouraging their Complices, 'and for the discouraging of all good Subjects, hath published, that the Queen hath 'brought forth a Son; tho there have appear'd, both during the Queen's pretended 'Bigness, and in the manner in which the Birth was manag'd, so many just and vi-'sible grounds of suspicion, that not only we our selves, but all the good Subjects 'of these Kingdoms do vehemently suspect that the pretended Prince of *Wales* 'was not born of the Queen: And it is notoriously known to all the World, that 'many both doubted of the Queen's Bigness, and of the Birth of the Child; and 'yet there was not any one thing done to satisfy them, and to put an end to all 'Doubts. And since our dearest and most entirely beloved Consort, the Princess, 'and likewise we our selves have so great an Interest in this Matter, and such a 'Right as all the World knows to the Succession to the Crown——And since the '*English* Nation hath ever testify'd a most particular Affection and Esteem, both 'to our dearest Consort and to our Selves: We cannot excuse our Selves from espou-'sing their Interests in a Matter of such high Consequence, and from contributing 'all that lies in us, for maintaining both of the Protestant Religion, and of the 'Laws and Liberties of those Kingdoms, and for the securing to them the conti-'nual enjoyment of all their just Rights.

Here we have an hereditary Right to the Crown asserted both remoter in himself and nearer in the Queen, who was unquestionably the next, if there were no Heir Male: It was possible this Right might be really defeated by a Prince of *Wales*, and it was possible it might be pretended to be so when it was not: For there have been many Instances in History of suborn'd and suppositious Princes, and therefore there was reason that sufficient Evidence should be given in a case of such Importance, and which was under so great Suspicion. But if there was no reasonable care taken to prevent or remove these Suspicions, then the Parties most concern'd have a Right to assert their own Pretensions in such a way as the Law of Nations doth allow.

And in this Case no private Depositions or confident Affirmations of such as are Dependents, or otherwise liable to Suspicion, can in reason be taken for satisfactory Evidence; for let any one consider what the *Laws* of *Nations* have thought fitting Evidence in a Case of this nature, and he will soon find how very much short such Proofs are of what the Nature of the thing hath been thought to require——The Civil Law is very strict where there is any occasion of Suspicion.

The Civil Law in case of suspicion, D. 25. Tit. 4.

"It requires notice to be given twice a Month to the Parties concern'd, that they "may receive full Satisfaction. That the Mother is to be kept in a House by it "self:

" ſelf: That thirty days before ſhe expects to be deliver'd, ſhe muſt give notice of " it to thoſe who are moſt concern'd, that they may ſend ſuch as they can truſt to " be preſent: That there ought to be but one Door where ſhe is to lie in; and if " there be more, they muſt be done up; that at that Door there are to be three " Men and three Women and two Aſſiſtants: That all Perſons are to be ſearcht who " go, in eſpecially at the Labor, at which time there muſt be ſufficient Light in the " Room. When the Child is born it ought to be firſt ſhewn to the Parties concern'd, " and great Care is taken about the Perſons in whoſe Hands he is put; and Satisfac- " tion muſt be given from time to time that it is the ſame Child; and if Satisfaction " be not given as to theſe things, the *Roman* Law doth not allow any Right of Poſ- " ſeſſion.

Bract. l. 2. c. 32. By the old common Law of *England*, in caſe of Suſpicion, a Writ of Inſpection was allow'd, the Form whereof is in the Books; and if there were any doubt, the Woman was to be put into a ſafe place, where no ſuſpicious Perſons were to come near her till ſhe was deliver'd. This was then thought ſo reaſonable a thing, that

Fleta l. 1. c. 15. the old Law Books have a Chapter on purpoſe *De Partu Suppoſito*, wherein Directi- ons are given to prevent and diſcover a Subornation.

Satisfaction neceſſary in Caſes of Suſpicion. Theſe things I mention to ſhow what Satisfaction is neceſſary to be given in caſe of Suſpicion; and the higher the Perſons are, and of ſo much greater Importance as the Succeſſion is, ſo much clearer ought the Evidence to be, that no occaſion of Doubt may remain: But if no ſuch care was taken, if the principal Perſons concern- ed had not the leaſt Satisfaction given them; if the whole thing were manag'd with Secrecy and ſuſpicious Circumſtances, then I can ſee no Reaſon to exclude thoſe who are moſt concern'd from a Right of demanding Satisfaction by Force of Arms.

But Mr. *Aſhton* thinks he hath clear'd this Matter, when he affirms that he *knows* there was no ſuppoſititious Birth *by unanſwerable undoubted Proofs*; and this is put into his Prayer, that it might look like an Appeal to God as to the Truth of what he ſaid. This is one of the boldeſt and moſt artificial Strokes of the Penner of this Speech, not barely to make him affirm it with ſo much Aſſurance, but to do it in his Prayer too. But a matter of ſo great Conſequence is not to be determin'd upon

Not determin'd by a ſingle Witneſs. the Teſtimony of any ſingle Witneſs, altho he were the moſt competent Witneſs as to ſuch a Matter, which doth not in the leaſt appear as to Mr. *Aſhton*: For how could he know it by *unanſwerable and undoubted Proofs*, when conſidering the Circum- ſtances that were in this Caſe, it was hardly poſſible to produce ſuch *Proofs* as

In the Caſe of one Robin's *Child, at* Hereford Aſſizes *about An.* 1668. would paſs for unexceptionable Evidence upon a Legal Trial? For there hath been ſuch a Trial here in *England* within the Memory of Man, wherein the Father and Mother and Midwife have all ſworn to the Truth of the Birth of a Son, and yet the Jury upon hearing the whole Evidence have given Judgment that it was Suppo- ſititious.

Therefore bare Affirmations of ſome Perſons concern'd are not Evidence ſufficient, in caſe of ſtrong and vehement Preſumptions to the contrary; and ſuch Evidence ought to have been given as might have either prevented or remov'd any juſt grounds of Suſpicion.

No undoubted Proofs given. But ſince no ſuch *unanſwerable and undoubted Proofs* were made to thoſe who were moſt concern'd, the ſame juſt Right doth remain to the *undoubted* Heir of the Crown, as it did in the former Caſe to the next Heir at Law, who upon a fair Trial and the Verdict of the Country, recover'd the Eſtate. But between Princes there are no ſuch ways of Trial or Courts of Judicature, and therefore in ſuch Caſes the Right of War is allow'd by the general Conſent of Mankind.

Second Occaſion of the Expedition, to hinder the Subverſion of Religion and Laws. Secondly, There was a further juſt Occaſion for that Expedition, which was the Deſign to ſubvert our Religion and civil Liberties. As to the Particulars they are fully ſet down in the Declaration, and need not be repeated; that which I am to make out is, that the then Prince of *Orange* by his Relation to the Crown had a juſt Right to concern himſelf in the Vindication of both, and that this is not repugnant to the Doctrines and Principles of the Church of *England*.

It was not thought diſagreeable to them for Queen *Elizabeth* to aſſiſt the *Dutch* a- gainſt the King of *Spain*; yet ſhe had no ſuch reaſon for it as our King and Queen had to prevent the Suppreſſion of their own Religion here, and the Rights of that People to whom they were ſo nearly related. For there was nothing in her Caſe ſo

Alberic. Gent. de Jure Bel. l. 1. c. 16. conſiderable as the growing Power of *Spain*, and the danger of overturning the reli- gious and civil Liberties of a neighbour People. The Queen's Profeſſor of Law in *Oxford* at that time ſaith, that it was then made a Queſtion by ſome whether Queen

Elizabeth

Elizabeth had just Reason for that War in assisting the *Dutch*, and he resolves the Lawfulness of it upon three Grounds: First, that it was to prevent ensuing Mischief; Secondly, From the antient Alliance between the two Nations; Thirdly, that if the *Dutch* were totally vanquish'd by the *Spaniard*, they would be made Slaves under an Arbitrary Power. The Queen herself own'd this as the Ground of her Resolution, *That it was Christian Piety to relieve them who were of the same Religion which she professed, and Wisdom to prevent the pernicious Designs of her Enemies.* And in her Declaration she publish'd this as the Reason of her sending Forces to the Aid of the *Netherlanders*, *That they might peaceably enjoy their antient Freedom.*

In the latter end of the Reign of King *James* I. the War broke out in *Germany*, wherein the Emperor us'd his utmost endeavour to establish *absolute Power and Popery* together. There was occasion offer'd to try whether the giving Assistance against these, were against the *Principles* and *Doctrines* of the *Church of England*. For the Prince Elector *Palatine* was chosen King of *Bohemia*, and sent over for King *James*'s Advice about it. But his Designs lay then so much another way, that he had no mind he should engage in it: But the Archbishop of *Canterbury*, in his Letter to Sir *R. Naunton* then Secretary of State, saith, *That God had set up this Prince his Master's Son in Law, as a Mark of Honour throughout all Christendom, to propagate the Gospel and to protect the oppressed; that for his own part he dares not but give Advice to follow where God leads, apprehending the Work of God in this and that of* Hungary; *that he was satisfied in Conscience that the* Bohemians *had a just Cause; that the King's Daughter the Elector's Lady had professed, she would not leave herself one Jewel, rather than not maintain so religious and so righteous a Cause.*

K. J. 1. *advis'd to assist the Protestants in* Germany.

In the beginning of the Reign of King *Charles* the First, when I suppose it will be granted that the Doctrines and Principles of the *Church* of *England* were understood and follow'd, the King of *Denmark* had taken up Arms *to settle the Peace and Liberty of Germany*, as he declar'd: But he met with a great Defeat. Whereupon King *Charles* the First thought himself concern'd to give Assistance to him: And Archbishop *Laud* was then employ'd (as Dr. *Heylin* confesseth) by the King's Command, to draw up a *Declaration*, to be publish'd in all the Parishes of *England*; which was read by the King, and approv'd by the Council, wherein the *Greatness of the Danger they were in is set forth, and the People are exhorted to serve God and the King, and to labour by their Prayers to divert the Danger.* Wherein lay this Danger? It is there said to be, *That by the Defeat of the King of* Denmark, *there was little or nothing left to hinder the House of* Austria *from being Lord and Master of* Germany. And what then? Why then *there will be an open way for* Spain *to do what they pleas'd in all the West part of Christendom.* It seems then, it was not thought disagreeable to the Principles and Doctrines of our Church, to hinder the growth of a Western Monarchy, altho it be by assisting Subjects against their Princes who promote it. And then follow these remarkable Words:

Proofs thereof. Life of Archbishop *Laud*, fol. 161.

" You are to know therefore, that to prevent this is the present Care of the " King and State; and there is no probable way left, but by sending of Forces, and " other Supplies, to the said King of *Denmark*, to enable him to keep the Field, " that our Enemies be not Masters of all on a sudden. And not long after——"If " he be not presently reliev'd, the Cause of Religion is not only like to suffer by it " in some one part (as it hath already in a fearful manner in the *Palatinate*) but in " all places where it hath got any footing. So that if we supply not presently our " Allies and Confederates in this case, it is like to prove the Extirpation of true " Religion, and the replanting of *Romish Superstition* in the neighbouring Parts of " *Christendom.* And the coldness of the State shall suffer in all places, as the Be- " trayers of that Religion elsewhere, which it professeth and honoureth at home; " which will be an Imputation never to be wash'd off: And God forbid this State " should suffer under it.——And in the last place: You are to call upon God " your selves, and to incite the People to joyn with you, in humble and hearty " Prayers unto God, That he will be pleas'd now, after long Affliction of his dear " People and Children, to look in mercy both upon them and us; and in particular " for the safety of the King of *Denmark*, and that Army which is left him, That " God would bless and prosper him against his and our Enemies. Thus far Archbishop *Laud.*

Let those who now, with as much Ignorance as Confidence, upbraid Men with renouncing the *Doctrines and Principles of the Church of England*, read and consider these Passages; and if any thing will make them more wise and humble, this will. Did Archbishop *Laud* go off from the Church of *England*, or King *Charles* the First, who

K. Charles *and ABp* Laud *forit.*

who both suffer'd for the sake of it? But some Men have never thorowly penetrated into the *Doctrines and Principles* of our Church, but look only on some Principles in opposition to the late times of Rebellion, and think there is nothing farther to be look'd after. Whereas the Consideration is very different as to our Duties, with respect to our own Princes, and those of a more general Concernment as to the state of Religion and Government in the World. But from hence it is plain, that it was then thought not only Lawful, but a Duty, to prevent the dangerous growth of such a Monarchy, which designs to suppress Religion and civil Liberties; and not only to give Assistance to those who join in the same Design, but to pray God to bless and prosper it. And accordingly a Form of Prayer was then appointed for those dangerous times.

Not long after this a Breach with *France* hapned, and the King publish'd a Declaration of the ground of the War; wherein it is laid down as the first Ground, "That the House of *Austria* conspiring the Ruin of all those of the Reform'd Reli- "gion (as plainly appear'd in the Affairs of *Germany*) had such an Influence on the "Councils of *France*, as to make them break Promise in such a manner, as hazar- "ded the loss of the whole Party in *Germany*. The next is, "That he had broke "his Articles with his *Protestant Subjects*, when he had been a Mediator of Peace be- "tween them, and they had done nothing to violate them. So that a Design to suppress the *Protestant Religion*, in a neighbor Country, was looked on as a just Cause of War, when he was concern'd to preserve it. And then another Form of Prayer was appointed to be us'd sutable to that Occasion; all which plainly evidence, that such a Design was no ways thought repugnant to the *Doctrines and Principles of the Church of* England.

But since the *French Conduct* seems to be now admir'd by this sort of Men, I shall bring some remarkable Instances from them.

Confederate Protestants in Germany *assisted by* France.

It is notorious to the World what powerful Assistance the *French* gave to the Confederate Princes of *Germany*, against the Emperor their Lawful Prince, and what Defence they made for this. They publish'd an Account to the World of the Reasons of it, and the chief was this; *viz.* "That they had Reason to suspect, that "from *Charles* the Fifth's time the difference of Religions had been secretly support- "ed by the Emperors, in order to their making themselves absolute: and that the "changing the Form of Government in the Empire, was sufficient for a neighbour "Prince to interpose by force of Arms.

Motifs de la France *pour la guerre d'* Allemagne, p. 94, 95, 117. France *assists the* Catalonians.

In the Revolt of *Catalonia* from the King of *Spain* their Lawful Prince, the *French* King accepted of the Sovereignty over them, it being offer'd him by the States of that Country, and caus'd Discourses to be written in Justification of their transferring their Allegiance: And yet their Complaint was nothing but the Severity of the *Spanish* Government, and a desire of some greater Liberties than they enjoy'd under it. Why then should it be now thought an unjust thing, for a Sovereign Prince (so nearly related to the Crown of *England*) to espouse the Cause of our Religious and Civil Interests, when the Design was so apparent for the suppressing them? If that Opportunity had been lost, they might before this time have been past all reasonable hopes of Recovery.

II. But suppose this were allow'd; yet here is another Difficulty ariseth concerning the transferring Allegiance from a lawful Prince, to him that met with unexpected Success in his Design.

And here I shall endeavour to make it plain, that this is not against the *Doctrines and Principles of the Church of England.* If we allow the Church of *England* to have declar'd its Sense in the Matter of Government, it can only be with respect to *Subjects.* But I think the Measures of our Obedience are not to be taken from the Rules of the Church, but from the *Laws of the Realm:* Because they are not the same in all Countries where the same Religion is profess'd; as is plain in the Case of *France* and *Poland:* The Reason of the different *Measures* in these Countries is not from the Church, but from the different Constitution of the Kingdoms.

Rules of Obedience not taken from the Church but the Laws.

And I do not see how the Rules of the Church can alter the Fundamental Laws: For the Church only enforceth the Duty of Obedience on the Consciences of Men; but it doth not prescribe or limit the Bounds of it.

Whether our Monarchy be Absolute or Limited; or if Limited, whether in its Exercise of Power, or in the Right of Sovereignty; how far the Limitation gives a Right of Resistance, in case of the Breach of it; are nice Questions, and not to be resolv'd by the Rules of the Church, but by our Legal Constitution and the General Reason of Mankind: And therefore in such Cases, where the Right of War and

a Foreign Power are concern'd, we are not to judg merely by municipal Laws, but we are to proceed by a more General Law, *viz.* that of Nations, which takes in the Effects of a juſt War, which the particular Laws of a Country have no regard to.

But where hath the Church of *England* declar'd its ſenſe about the right of War? The Articles of our Church declare, *That the chief Government of all Eſtates of this Realm doth appertain to the Civil Magiſtrate:* But they no where ſay, that in a juſt War the Supreme Power cannot be acquir'd, or that God doth never confer it in an extraordinary Method.

Book of Homilies againſt Diſobedience.

The Book of *Homilies* is very ſevere againſt Diſobedience and wilful Rebellion; but it is no where ſaid, that where the Right of Sovereignty is transferred by a ſucceſsful War, there is no Allegiance due to thoſe who poſſeſs it: On the contrary it is ſaid in the firſt Part, 'that if God for their wickedneſs had given them 'an Heathen Tyrant to reign over them, they were by God's Word bound to 'obey him, and to pray for him. Can it then be agreeable to the *Doctrines and Principles of our Church*, to refuſe Allegiance to good Religious Princes, whom God hath made the happy Inſtruments of preſerving our Religion and Liberties?

Practice of the Jews.

In the ſame Part, *the Jews are commended for praying for the King of* Babylon, *when they were in Captivity, that they might live under his Protection, and do him Service, and find Favour in his ſight.* And what is this ſhort of Allegiance to one, who had nothing but bare Succeſs in War to plead for his Title to it? If any Princes of their own Religion had reſcu'd them from that Captivity, would they have ſcrupl'd Allegiance to them, when we ſee how far the *Maccabees* went in the defence of their Religion and Laws?

In the ſecond Part, the Obedience of the *Jewiſh* Nation to *Auguſtus* is commended; and it is evident that he had no Authority over them, but by the right of War. And our bleſſed Saviour's example is mention'd, *who being brought before the* Roman *Preſident, acknowledg'd his Power and Authority to be given him from God.* And how was this Authority convey'd to him, but by the ſucceſs of War?

So that we can find nothing, in the certain eſtabliſh'd *Doctrine and Principles of our Church*, which is repugnant to our Allegiance to the preſent Government. I might eaſily produce conſiderable Teſtimonies, of ſome of the greateſt Divines of our Church, which aſſert, that Sovereignty may be transferred by a juſt War; but I leave that to others, and proceed.

Allegiance not inſeparable from the Perſon ſworn to.

Mr. *Aſhton* ſaith, *That we were born Liege Subjects to another; that we have ſolemnly profeſſed our Allegiance, and often confirmed it with Oaths.* I know no body denies it. But is this all? Is our Allegiance ſo inſeparable from the Perſon we have once ſworn to, that no Caſe whatſoever can alter it? Not the Caſe of plain voluntary Dereliction? Not the Caſe of putting the Kingdom under a Foreign Power? Not the ſeeking the utter Ruin and Deſtruction of the People? Is Allegiance inſeparable in theſe Caſes, becauſe we were born Subjects and did ſwear Allegiance? If not, then it is not always ſo, notwithſtanding the Oaths. For theſe and ſeveral others are allow'd, by ſuch who have written the moſt warmly againſt the Republican Principles. But we need not run to any difficult Caſes: Ours is only the Caſe of a juſt War; which is allow'd by all ſorts of *Caſuiſts*, who do agree, that Allegiance is due to the Party that prevails in it; and if it be due to one, it cannot be due to another at the ſame time, altho he be living and do not diſcharge Perſons from their Oaths; for the Obligation of Oaths depends on the nature and reaſon of Things, and not upon the Pleaſure of thoſe to whom they are made. But where there is a Right to Govern, there muſt be a Duty of Allegiance: And that Succeſs in a juſt War doth give ſuch a Right, I could produce ſo many Teſtimonies, of all kinds of Writers, as would make the reading of them as tedious, as of thoſe in the Hiſtory of *Paſſive Obedience.* Nay, ſome go ſo far, as to aſſert a right of Sovereignty to be acquir'd by Succeſs, even in an unjuſt War: But we need none of theſe Teſtimonies.

But doth not all this reſolve this whole Controverſy into a right of Conqueſt, which is not ſo much as pretended in our preſent Caſe?

Right of aſſuming the Government and Manner diſtinguiſhed.

I anſwer, That we muſt diſtinguiſh between a *Right to the Government*, and the manner of aſſuming it. The Right was founded on the juſt Cauſes of the War, and the Succeſs in it: But the aſſuming of it was not by any ways of Force or Violence, but by a free Conſent of the People, who by a voluntary Recognition, and their Majeſties acceptance of the Government, as it is ſettl'd by our Laws, take away any pretence to a Conqueſt over the People, or a Government by Force.

Thus

Thus I have endeavour'd to ſet this matter in as clear a Light, and in as little a Compaſs as I could; I now return to Mr. *Aſhton*'s Speech.

Next to his Obligation on the Point of Religion, he mentions that of *Gratitude to the King his Maſter, whom he had ſerved 16 years.* —— *But this, he adds, is a thing not much eſteemed at this time.* As little as it is eſteem'd, I know no body would have blam'd his *Gratitude* if it had not carried him beyond the bounds of his Duty. But it is ſtrange he ſhould be ſo much for *Gratitude*, and yet ſhould allow none for ſo great a Deliverance. What is 16 years Service to the Preſervation of a Nation from the imminent danger of Popery and Arbitrary Power? Such Men look but a very little way, who talk at this rate: And can they imagine a *French* Power, under our Circumſtances, could ſecure any thing to us but Ruin?

K. J. his Uſage.

As to his Maſter's Uſage, which he ſaith, *after the Prince of* Orange's *Arrival, was very hard, ſevere, and if he may ſay it unjuſt:* I would deſire his Friends to conſider a little better, and to think if any ſuch thing as Severity had been intended, how eaſy it had been to have executed it, and to have prevented his going away; and conſequently, a great deal of the Charge of the War he complains of immediately after. Let them name any one Perſon in ſuch Circumſtances, who was allow'd ſo great Freedom as he had, of diſpoſing of himſelf: But this is very far for Mr. *Aſhton*'s occaſion of Suffering.

Well, *But all the new Methods of Settling have hitherto*, he ſaith, *made the Nation more miſerable, poor, and expoſed to Foreign Enemies.* It is poſſible ſuch may believe, that the Nation would be leſs miſerable and poor under the *French* Power, than it is now. But no Man who obſerves the vaſt Deſigns of *France*, and the incredible induſtry of the *French* Monarch to inlarge his own Power and Dominions, can think (if he thinks twice) that ever he ſhould undertake ſo great a Work, out of kindneſs to any but himſelf; much leſs, out of perfect good will to the *Engliſh* Nation. Hath he given ſo much Evidence to the World of his Sincerity in his Promiſes, when the keeping of them hath been prejudicial to his Intereſt? Suppoſe he ſhould compaſs his end upon us, and under ſo fair a Colour make Provinces of theſe Kingdoms; what poſſible remedy would there be for this, then indeed, *poor and miſerable Nation?* What comfort will it then be to ſay, *they did not think he would have broken his Word ſo with them?* In the mean time, is it not great Wiſdom and Policy, to venture our Religion, and all our Liberties on the ſincerity and kindneſs of *France?* But if there be any preſent hardſhip, it is no more than what a neceſſary War involves our Neighbours in, as well as our ſelves; and that in a common Cauſe, for preſerving the Liberty of *Europe* againſt the growing Power of *France*, as it did formerly of *Spain.*

The French *King's Deſigns are all for himſelf.*

But there is another Inſinuation of a higher nature, *viz. that the Religion we pretend to be ſo fond of preſerving, is now much more than ever likely to be deſtroy'd.* What is the meaning of this? What! More in danger than when Penal Laws and Teſts were taking away, in order to the taking away our Religion after them? When the Deſign was as plain and open, as a thing of that nature could be, in ſuch a Nation? When ſome of the Factors themſelves complained, they made too much haſt, and were too eager and forward to accompliſh it? And altho nothing was then pretended but the ſettling *Liberty of Conſcience* upon a new *Magna Charta*, yet all wiſe Men ſaw through theſe Pretences, and that nothing was really deſign'd but Popery; which the Jeſuits did not conceal in their Letters to each other: One of which happen'd to be intercepted; and the thing it ſelf is now fully own'd in the King's own Letter to the Pope, printed at the end of the late Trials. So that there muſt be a deſign, either to deceive the Pope, or the Nation; and which is the more probable, let any Man of ſenſe judg.

Religion not in Danger now.

But where lies the danger of our Religion now? Have we not the ſame Laws, the ſame Protection, the ſame Encouragement which we ever had at any time ſince the Reformation? If our Religion be now in danger, it is by ſuch Men who would bring in the *French* Power to eſtabliſh it, however it be diſguiſed under another Pretext.

After this follows a Charge of no leſs than Perjury and Rebellion, upon his Fellow Subjects; whom he adviſeth *to return to their Allegiance, before the Judgments of God overtake them for their Perjury and Rebellion.* This is a heavy Charge indeed upon the Body of the Nation, which hath taken the Oaths of Allegiance to their Majeſties: But if it be true, it is accuſing the greateſt part of Mankind of theſe Sins, who have happen'd to live in the time of any great Revolutions, or Changes of Government. Was the Nation forſworn in the times of *William* the Conque-

ror,

or, and his two Sons, and his Nephew? Was it forſworn all the time of King *John*, and the ſeveral Reigns of the *4th*, *5th*, *6th*, *7th Henrys*? One would think it better became a dying Man to judg more charitably of his Fellow Subjects. Had he never heard of the Law of *England*, requiring Allegiance to the King, on account of the Poſſeſſion of the Crown; and that our moſt eminent Lawyers, in peaceable and quiet Times, have been of that Opinion? Methinks at leaſt, that ſhould make modeſt Men not ſo peremptory in ſuch a Charge; for it is to make ſuch an Oath unlawful, which the Law makes not only lawful, but a Duty. And when the greateſt Lawyers this Nation hath had thought this a part of our Law; ſhall ſuch who confeſs themſelves unskilful in the Law, charge the Nation with Perjury, for taking an Oath which the Law requires?

Caſe in W. the Conq. K. John's, &c. Reigns.

But if our Law did not require it, there is ſuch a general Conſent in Mankind about it, that it ſeems to me to be a Law of Nations, that an Oath of Fidelity ſhould follow Poſſeſſion; becauſe otherwiſe, there would be infinite ſnares to the Conſciences of all ſuch who are requir'd to obey, but are not bound to enquire into the Rights of War.

Is it Perjury and Rebellion in the new *French* Conqueſts, for the Inhabitants to take Oaths of Fidelity to the *French* King? If not, how comes it to be ſo here? Is there not the ſame Right of War here as abroad?

The Nations guilty of Rebellion and Perjury.

Was it Perjury and Rebellion in the Subjects of the King of *Spain* in *Portugal*, to take a new Oath of Allegiance to the Duke of *Braganza*, when he was declar'd King? And yet they were all ſworn before, not only to the King of *Spain*, but to his Heirs: And even the Duke himſelf had not only taken this Oath, but the *Spaniard* particularly charg'd him with Perjury and great Ingratitude: Yet the Obligation to his Country's good was then thought to overrule that perſonal Obligation to the King of *Spain*.

But if they were all guilty of Perjury and Rebellion; how came the other Princes of *Europe* ſo frankly and readily to own his Government; and the *French*, as much and as early as any, ſending Aſſiſtance by Sea and Land to ſupport it? But in this Revolution of *Portugal*, the beſt Title was the Succeſs of War, founded on a remote Title to the Crown, when the King of *Spain* had enjoy'd the Poſſeſſion of that Crown to the third Generation.

But it may be ſaid, *That the Practices of other People are to be no Rule to us; and that we are not to be guided by bad Precedents abroad, but by the Principles and Doctrines of our own Church.* This were to the purpoſe, if our Church had any where declar'd, taking ſuch an Oath to be Perjury. But where is that done? I confeſs, I can find no ſuch thing: And if Mr. *Aſhton* (or his Friends) had made ſuch a Diſcovery, they ought to have told the World of it. But if there be no ſuch Declaration to be met with, then we are left to the general Rules of Conſcience, and the common Reaſon of Mankind; according to which, I ſee no ground for this heavy Charge of Perjury and Rebellion in our preſent Caſe.

No Declaration of the Church againſt taking Oaths to the K. and Q.

But altho Mr. *Aſhton* be ſo abundantly ſatisfy'd in the Deſign he mentions, *that if he had ten thouſand Lives, he would ſacrifice them all in ſo good and neceſſary a Work*; yet the Remainder of his Speech is ſpent in clearing his Innocency as to the Fact for which he was condemn'd. If it was ſo meritorious an Act to die in ſuch a Cauſe, a Man might have been tempted to be thought Guilty.

But before he could think fit to die in Charity with all the World, he ſaith ſeveral things with a deſign to blacken the Judges, the Jury, and the Government.

The Judges he accuſes of a Severe Charge, and the hard Meaſure he received——.

As to the latter, it is a very odd kind of hard Meaſure, when he was ſo little ſenſible of it then, that he ſaid, *He did not complain of the Court*, fo. 112. and more fully afterwards, fo. 115. *I cannot but own I have had a fair Trial for my Life.* Where was the hard Meaſure then? Therefore this could not be Mr. *Aſhton*'s Senſe, unleſs he would contradict himſelf; and thoſe who would free him from it, muſt take theſe Words to have been written by others, who thought to ſerve another End by it, and were not ſo near giving an Account for ſuch Calumnies.

Mr. Aſhton has had no hard Meaſure.

The Severity of the Charge lay in applying the Statute 25 *Edw.* 3. to his Fact: Which was a *Design to carry into* France *a Treasonable Scheme and Project of an Invasion, in order to the deposing the King and Queen.* This last the Judges declar'd, *had been always held to be High Treason.* All the Question was then, whether such a Fact were an *Overt Act* of such a Design; and so it was left to the Jury, whether Mr. *Ashton* intended to go over with such a Design or not. If there be any Severity here, it must be in the Law; and that all those who suffer by a Law, are apt to complain of.

Treason prov'd upon him.

He particularly chargeth *that Judg*, and *that Jury-man, who did*, he saith, *signally, contrary to common Justice, expose themselves to destroy him.* This is a very hard Charge from a dying Man, and ought to have great Evidence to reconcile it to common Charity; but he offers none. The Jury were to act according to their Consciences; and if they did so, how could they *expose themselves contrary to common Justice to destroy him?* But what Evidence doth he give, that they did not so? Some have told him, *that he was the first Man that was ever condemned for High Treason, upon bare Suspicion or Presumption, and that contrary to my Lord* Coke *and other eminent Lawyers Opinions.*

Judges and Jury vindicated.

The main point as to the Jury was, whether they were satisfy'd in their Consciences, that Mr. *Ashton* intended to go into *France* with such a Design? And where the Fact lies in the Intention, there can be no direct Evidence (without seeing the Heart) but it must be gathered from a Concurrence of Circumstances, strong enough to determine an honest man's Judgment: and such the Jury believed to be in his Case. My Lord *Coke*'s words are on the Case of Treason, *that the Compassing, Intent or Imagination, tho secret, is to be tried by the Peers, and to be discover'd by Circumstances precedent, concomitant and subsequent, with all endeavor evermore for the safety of the King.*

It is true, he saith afterwards, *Fol.* 12. *That conjectural Presumptions, or Inferences, or strains of Wit, are not sufficient*, but there must be *good and manifest Proof*: yet still this Proof must be such as the thing will bear; for there can be no *direct and plain proof* of a secret Intention. Either therefore no Man can be justly condemned for a secret Intention, manifested by an *Overt Act*; or there must be such a Proof allow'd, as is sufficient to satisfy a man's Conscience, altho it come not up to plain and direct Evidence, as it is opposed to the highest degree of Presumption.

But it may be said, *that the Presumption lies in judging the Intention from the* Overt Act, *but that* Overt Act *must be manifestly proved.* The *Overt Act* in this Case was the *carrying over Treasonable Papers into* France, *in order to an Invasion.* The sole Question then was, whether there was *manifest proof* as to these Papers. That the Papers were found about him was manifestly prov'd; and he owns *Fol.* 110. *that they were unfortunately found upon him*; but he saith *that he knew not the Importance of them.* It was manifestly proved, that he had an extraordinary Concernment to have these Papers thrown Over-board, which he saith *was perfectly out of Friendship*; and whether that was a true Answer, was left to the Consciences of the *Jury*, who were to judg of this by all the *Circumstances antecedent, concomitant, and subsequent*, by which they concluded him Guilty. And I cannot see how they went against *Common Justice* therein; especially since Mr. *Ashton* well knew, that one of the most material Papers taken, was of his own Hand-writing; not the first Draught, but the Copy which was shewed him in the Court: and when it was so, he desir'd, *Fol.* 106. *that the Original may be read, and not the Copy*; and he had good reason for it: For as far as I can judg, upon Perusal of both, it is the very same Hand in which this Speech was written. But what said Mr. *Ashton* to the Jury, to clear this matter? He saith, *Fol.* 129. *That his Hand was not proved to any of the Papers, and therefore there was nothing but Supposition or Suspicion against him.* It is true, there was no direct and plain Proof of the Hand, as there was in the Case of my Lord *Preston*; (and it is a wonder it was omitted, for that would have been plain proof of his *knowing what was in those Papers*:) However, all the other Circumstances put together, were a sufficient proof of his Privity to the Contents of them.

No reason to assert his Innocency.

And I wonder how Mr. *Ashton* could so confidently in his Paper *declare himself Innocent as to the matter for which he was sentenc'd to die*, when he knew the Paper was of his own Hand-writing, and plain proof hath been since made of his own delivery of it to a third Person? Can a Man be Innocent and Guilty of the same thing?

The

The only thing to be taken notice of, which remains, is, a Reflection on the Government for his *Close Imprisonment, and the hasty and violent Proceedings against him.* If there were any thing more than usual in such Cases, as to his *Imprisonment*, he ought to have mention'd the particulars; for otherwise it is to arraign the *Common Justice* of the Nation. As to the hasty and violent Proceedings of his Trial; it was then told him, that the greatest Advantage he had, was in putting off his Trial: For by that he knew how *to lay the Papers on my Lord* Preston; which yet could not clear him, as to those Papers which were not written with my Lord's Hand, nor related any ways to him; but one of them was written with his own Hand.

Upon the whole Matter, I cannot see how he hath either *prov'd his Innocency*, or that he acted according to the *Principles and Doctrines of the Church of* England.

Reflections on his Prayer.

As to his concluding Prayer, I cannot but observe, that in the beginning of the Speech, the Reason he gives why he *would not make any to the People*, was, *because he would employ his last Minutes in Devotion and holy Communion with God:* Which I hope he did. But those who contrived the Speech, were to make a Prayer for him too; yet not a Prayer of *Devotion*, but rather of *Faction* and *Sedition:* For it hath no other meaning, than that God would overturn this present Government, and restore the Former, in order to the *Flourishing of the Church of* England, *notwithstanding the Wounds she hath receiv'd from her Prevaricating Sons.*

I cannot imagine how a Man could join these things together in a Prayer, unless he could think all those are *Prevaricating Sons*, who are against Popery. For I know no Bottom large enough for *Popery*, and the *Church of* England, to stand upon together.

But this I do not think of Mr. *Ashton*, and therefore conclude, as I began, that this seems rather the Speech of a Party, than of Mr. *Ashton*; who made use of his Name and Hand, to convey into the Minds of the People, the most malicious Insinuations against this Present Government, and all who live in Obedience to it.

Taxes no Charge: In a Letter from a Gentleman to a Perſon of Quality.

Shewing the Nature, Uſe, and Benefit of Taxes in this Kingdom; and compar'd with the Impoſitions of Foreign States.

Printed in the Year 1689.

Together with their Improvement of Trade in Time of War.

The Preface to the Reader.

UPON the receipt of the following Letter *concerning the Nature of* Taxes, *and levying of Mony upon the Subject, I immediately reſolv'd to commit it to the* Preſs; *as conceiving that it might be inſtrumental towards the removal of that popular* Argument, *which the* Male-contents *of the Age are ſo induſtrious to inſtil into the Minds of the common ſort,* viz. *That frequent* Taxes *are an inſupportable Grievance and Oppreſſion to the Nation: and this they ſo much the more ſucceſsfully propagate, by how much 'tis a receiv'd Opinion among the* Populace, *and ſuch as either for want of Parts, or not accuſtom'd to ſerious Reflections, have not throughly conſider'd this Affair; whence 'tis come to paſs, that this vulgar Error has obtain'd ſo general a Conſent and Approbation, that it needs not to be much inculcated. This the diſaffected Party to the preſent Government are ſufficiently ſenſible of, and therefore are not unactive in the eſtabliſhment of an Untruth, which has the advantage of making a deep Impreſſion upon ſuch, whoſe byaſs'd and prejudicate Sentiments render them fit Objects of their Deſign.* Sed dato & non conceſſo, *allowing but not granting, that* Taxes *were really a* burden *to the Nation; yet if it be true that* è malis minimum, *of two* Evils *the leaſt is to be choſen, it will thence follow, that 'tis better for the Kingdom to have purchas'd its Redemption from* Popery *and* Arbitrary Power, *tho at the price of ſome* part *of the Eſtates and Fortunes of the Subject, rather than to have loſt all at one* throw, *by a tyrannical Invaſion upon their* Religion, Laws, *and* Liberties. *I preſume that even ſome of thoſe buſy* Agents *who* ſow *theſe* Seeds *of Diſcord and Diviſion among us, would have been content to have bought their Safety almoſt at any rate, whilſt the* Storm *was imminent: and now that 'tis happily blown over, and nothing appears at preſent but a* ſerene Sky, *and* fair Weather, *Why ſhould they either endeavour a Reduction both of themſelves and others to their former* danger, *to which their turbulent Devices do immediately tend; or ſtrive to create unreaſonable Diſſatisfactions againſt ſo juſt an Expedient, as each one's diſcharging a* few Pence *for an enſurance of the Publick* Peace, *and quiet ſettlement of the Nation?*

Deſign of the Treatiſe.

Murmurers cenſur'd.

'Tis ſurely very unaccountable, that thoſe Men who diſcover'd ſo great an alacrity and forwardneſs in oppoſing Popiſh Tyranny *and* Arbitrary Power, *ſhould now endeavour to enſlave us under the ſame uneaſy* Yoke; *but with this additional Aggravation to our former Servitude, that whereas we were then allow'd* ſome, *we muſt now* make Brick without Straw. *This ſeems ſo wild a Notion of Obedience (the reſult of the* Paſſive Doctrine) *and that the chief* Wheel *in that unaccountable Engine of abſolute Sovereignty,*

reignty, as is deſtructive of all Government; inaſmuch as 'tis utterly irreconcilable with the Preſervation and common Intereſt of humane Society. But theſe murmuring, ſeditious Spirits, after ſhamefully retracting from their early Officiouſneſs, in their encouragement of the late Expedition of the then Prince of Orange, are not content with a compleat enjoyment of their Properties, under the even ſteerage of this great and skilful Pilot, who ſo juſtly manages the Helm of the preſent Government, as not to invade the Rights of any Man; nor yet to retain their particular Sentiments within their own Breaſts, but they muſt needs vent and divulge them to others, by which they become the publick Incendiaries of the Nation. But as I cannot enough admire both the Folly and Ingratitude of theſe Men, who ſtrive to diſſeminate ſo poiſonous a Contagion; ſo have I not room left for wonder and ſurprize, to obſerve divers innocent and well-meaning Perſons ſo unwarily catch'd and infected by it, when not many Months ago, their Lives, Religion, Liberties, all that was dear or acceptable unto them, lay apparently at ſtake. For which, I pray, do they account the more advantageous, whether their Properties be infring'd, their Religion violated, their Laws ſubverted, their Eſtates confiſcated, and they, with their Wives, Children, and Relations, be expos'd to the Fiery Trial; or to be ſeaſonably freed from theſe amazing Terrors, ready to overwhelm them in a full career, when they receiv'd a ſignal and miraculous, as well as a gracious Deliverance, and that as much above their hopes, as it has ſince appear'd to be beyond their deſert?

Advantages of the preſent Settlement.

What would not every honeſt Man, or good Chriſtian, have given at that time to have had that Security under his own Vine, and under his own Fig-tree, the liberty of his Religion, the full enjoyment of his Property, and an equal and juſt adminiſtration of the Laws, which he now enjoys under the benign Influence and Protection of the preſent Government? And then with what face can he deny to contribute his reſpective ſhare and proportion, not only to the aſſuring of his own particular Right, but alſo that of the general Intereſt, together with what is infinitely preferable to either, the Proteſtant Religion in the three Kingdoms?

All this, and much more which might be offer'd and inſiſted upon (were not Prolixity improper in a Preface, eſpecially to ſo ſmall a Diſcourſe as is that of the following Letter) ſeems exceeding reaſonable upon the former Hypotheſis, if Taxes were really a Burden and Oppreſſion to the Nation; which the following Sheets do abundantly evince they are not, by ſhewing that they are ſo far from being a diminution of, that they really add to the Trade and Riches of a State.

This the Author has fully prov'd from the opulent condition of thoſe Countries where Taxes are moſt numerous; and after ſeveral copious parallel Inſtances deriv'd from Foreign Monarchies and Republicks, ſhewing their great Advancement by Taxes, and frequent Levies upon the Subject, he undertakes to demonſtrate the Practicableneſs, as well as equal Advantage of the ſame to theſe Kingdoms. This I thought to be of ſuch ſeaſonable and publick Importance, in reference to the preſent ſtate of Affairs, as well in order to rectify the aforemention'd general Prejudice and Miſtake, as to ſilence all intemperate and unreaſonable Murmurs againſt the Proceedings of the Grand Council of the Nation, in the Methods taken for a Supply of the Naval and Land-forces, that I thought fit to uſher it into publick view; as conſidering that if theſe Men who moſt inveigh againſt Taxes, could be brought to believe that they naturally tend to the Advantage and Intereſt of the State, and do really conduce to the Enriching and Improvement of it, they muſt needs ceaſe from their ſeditious Clamours againſt, and ſatyrical Reflections upon the Government in this reſpect; and that this would not be the ſole Advantage which would accrue from the clearing up this Miſtake, but that all honeſt and good Men will join more cordially than ever in their unanimous and chearful Contributions to its Support, when they are made ſenſible, that not only the common Duty of Subjects, that indiſpenſable Obligation of a perpetual Gratitude which they owe to their Deliverer, and the natural inſtinct of Self-preſervation ought to quicken and excite them thereunto; but beſides all this, that they are really Gainers by this courſe, and conſequently what they expend upon that account, does after a due circulation return to them with a conſiderable Improvement and Augmentation.

Taxes

Taxes no Charge, &c.

Worthy Sir,

PUrſuant to my Promiſe at our late Conference, I here preſent you with a ſhort Eſſay concerning Taxes, which I ſubmit to your private Cenſure, and ſhall not limit you from ſending it to the Preſs, if in your Opinion it may prove ſerviceable to the Publick.

That Tribute, or as we now call it, Cuſtoms, Taxes, *&c.* were originally a mark of Servitude, is evidenc'd by the Interrogatory of an infallible *Author*, *Of whom do the Princes of the Earth take Tribute?*

Original Intention of Taxes.

But as Government became more humane, the ſavage Exaction upon Strangers was leſs rigid; and the *Romans*, who were then Maſters of Civil Government in the World, found it conducing to the Eſtabliſhment of that overgrown and prodigious Empire, to make every part of their Conqueſt eaſy to the People, and that in point of Taxes they ſhould be univerſally equal: which ſeems to be confirmed by that of *Auguſtus*, when he order'd all the World to be taxed; wherein we find no Exemption of a *Roman* above others. They were indeed veſted with divers other Privileges; but in the matter of Taxes, we find the Wiſdom of that Empire to make no Diſtinction in any that were under their Conqueſt and Government.

In Imitation of whoſe equal and prudent Conduct, all ſucceeding Governments have been guided in tempering of their Conqueſts, and not, as in the firſt Ages, making both Perſons and Eſtates the purchaſe of Victory. By this means, Civilities, Laws, and Chriſtianity have been propagated in the World with that advantageous Succeſs, to which they could never have attain'd, if Conqueſt had been purſu'd, and employ'd, as in former Ages, in all the inhumane Acts of Slavery, Violence and Rapine.

The *Romans* were the firſt we read of, that regularly paid their Armies: before them, the *Barbarians* might ſometimes divide the Spoil of their Enemies, and other ſavage ways they had to ſatisfy their Herds of Men, but no exact Payments were in uſe until the *Romans*; and for the Maintenance and Encouragement of ſo good a Government, they impoſed Taxes, that ſo in intervals of Peace their Armies might not be expoſed to the neceſſity of committing the like Ravage they did in times of War, and publick Hoſtility.

Abuſe of them.

They ſoon became Artiſts in taxing the People, inventing ways to bring in Mony. That of *Auguſtus Cæſar*, in taxing the whole Empire, ſeem'd to be in the Manner of a *Poll* with us. There was alſo a Tribute impos'd upon Paſſengers going from place to place, and a Cuſtom levy'd upon Goods and Merchandize.

They had alſo an Art of raiſing Mony from Aliens, upon the account of being admitted to the Privilege of *Romans*; and many other Ways and Devices they had to advance Mony, which if duly conſider'd, was the chief, if not only Reaſon why they were ſo fam'd in the World for good Government, becauſe they paid their Army and Miniſters of State ſo well, that they lay not under the Temptation of Violence or Bribery.

I ſhall here come to a Cloſe in relation to Taxes, and Impoſitions under the Heathen Roman Emperors; and only in order to the making good my Poſition, that Taxes are no Charge, infer from this done by the *Romans*, That 'twas none in their days, inaſmuch as it kept the People from Violence and Ravage of the *Soldiers*, and the worſe Exactions and Corruptions of *Civil Magiſtrates*.

We will now make an Enquiry into the Taxes and Impoſitions of Chriſtian Princes, and then compare them with thoſe of theſe Kingdoms.

Taxes in Venice.

Firſt then, let us look into the Impoſitions of Commonwealths, the greateſt and moſt antient is *Venice*. None will ſay that they are a poor State, tho all muſt own that they lie under heavy Taxes, inſomuch that 'tis believ'd in thoſe Countries the Chriſtians under the *Turks* are ſubject to leſs Impoſitions, than ſuch as live under the *Venetians*, where, beſides great Cuſtoms upon all Merchandize, they pay Exciſe for every bit of Bread and Meat, nay for the very Salt they eat; and after

all

all this, the pooreſt Labourer pays his Poll-mony: and yet where is there a richer People? and (which can be ſaid of no Government, either Chriſtian or Heathen, in the known World of ſuch Antiquity) without charge, tho peſter'd with continual Wars, at one time for the ſpace of ſeven Years, they had all the Chriſtian Princes in *Europe* in a League and War againſt them, except *England*.

In Holland. We will mention the next Commonwealth in Power and Riches, the united Provinces: I need not particularize their Taxes, few there are of our Kingdoms but know them, and that they are ſo great, that 'tis believ'd the pooreſt labouring Man in *Holland* adds to their *Intradoe* four Pounds Sterling a Year, ſo great is the Exciſe on every thing they eat or drink: beſides upon the occaſion of any War, it is uſual to raiſe the fortieth penny upon their whole Eſtates; yet theſe People vye with all Nations in matter of Trade and Riches, and 'tis matter of Controverſy which of the two, whether they or *Venice*, in proportion to their Extent of Lands, are the richer. They of *Holland* out-do them in their common People as to Wealth and Coin. Now then it muſt be allow'd that Taxes there do no harm, ſince the very Peaſants (Boors they call them) are ſo rich, as frequently to give a Tun of Gold, which is ten thouſand pounds of our Mony, in Portion with their Daughters.

The naming of theſe two Commonwealths may ſerve for all under that Diſtinction. I ſhall now come to Taxes under Monarchs. To nominate ſome few, as Inſtances *In the Empire.* to ſupply the reſt, I'll begin with the *Empire*, where Taxes are generally low, and conſequently the People poor: for it will be ſo (as I ſhall hereafter demonſtrate) wherever the rich Gentry, and others have nothing to fetch Mony out of their Coffers by but their own expence, by which the Commonalty can have little opportunity to improve themſelves.

In Spain. *Spain* follows much the ſteps of the Empire in their Taxes; and altho there are numerous Cauſes aſſign'd for the Poverty of that part particularly under the name of *Spain*, yet that of their irregular and uncertain Taxes does powerfully contribute to the indigent State of that Kingdom, for that the Country cannot be planted by reaſon of the Armies living upon the Spoil of it, not having a Penny pay for ſix Months together; by which means the Country feels little difference between the Conqueſt of their Enemies, and the quartering their own Forces.

Portugal. *Portugal* is more craving in its Taxes, Impoſitions being heavy on Importations which are of the worſt ſort, yet better than none: and ſeeing it raiſes a conſiderable Revenue, their Army and Officers of State are well paid, and their Country much richer, and more populous than *Spain* that borders upon them.

I ſhall put a period to that part of my Diſcourſe referring to the Taxes of foreign Princes, with that of *France*, which is rather the Abhorrence than Example of any Chriſtian Prince; his Tyrannical Impoſitions being grown to an unlimited Exaction upon all Men, both ſacred and civil: and yet, if the Barbarity of the thing could have been ſeparated from the Effect, thoſe unbounded Taxes would not have impoveriſh'd the Country; if the Mony had not been ſpent out of his own Dominions in Foreign Conqueſts, which rarely prove beneficial to the Country that invades.

In France. If we conſider *France*, in the beginning of their Invaſions on their Neighbours, we ſhall find them not ſo rich as they were ſeven years after, notwithſtanding that great part of their Taxes were ſent out of the Kingdom to raiſe Men, and more ſpent in paying the Army in the Enemies Country, and buying of Towns. Now, at firſt view this may ſeem ſtrange and unaccountable, that Impoſitions upon a People, and a great part of them carry'd out of their Country, ſhould make them thrive: Yet, notwithſtanding this ſeeming Paradox, 'tis a certain Truth, as in the ſequel of this Diſcourſe will be fully evident: And, that *France* might have manag'd a War with all *Europe*, and not have begger'd the Kingdom, as now it is, if they had not deſtroy'd it by their fierce Perſecution of the *Hugonots*; for that has evidently been the Ruin of that Kingdom. Whereas had the *French* Proteſtants been encourag'd and maintain'd in their Rights and Religion, they would have been their beſt and moſt loyal men, both in *Peace* and *War*; for ſo they prov'd in the Minority of this King, in the general Defection of *France*: and had they been now poſſeſt of their *Religion* and *Rights* in *France*, it is to be fear'd we had not ſo eaſily commanded the *Seas*, moſt of the *French Seamen* being of that profeſſion.

Taxes here compared with thoſe abroad. We now come to compare the Taxes of theſe Kingdoms with thoſe of Foreign Princes; and to ſave multiplying of words, will reduce all under two Heads: Firſt, the Laws, and manner of impoſing Taxes upon their Subjects; and Secondly, the *quantum* and duration of ſuch Taxes.

For

For the *First*, the Laws and Manner of impoſing Taxes; that is as different as the Climates which they are under. I ſhall not trouble my ſelf, or the Reader, with naming of all the Kingdoms in *Europe*, but ſhall only inſtance ſome of the moſt conſiderable: in order whereunto, I ſhall begin with *Germany*, the Impoſitions of which Country may be brought under two Heads; that of the Tenure and Obligation of the Princes, Nobility and free Cities, to furniſh a certain number of Men in the Wars againſt the *Turk*.

In Germany. The Second, by levying Mony in the *Diets*, neither of which, if compar'd with thoſe of *England*, can be thought eaſie. That of furniſhing Men, is little better than tyrannical in the Lords and Nobles, who arbitrarily force their Tenants, and perhaps Neighbours, to compleat their Numbers, without any Relief in the greateſt Abuſe, having none to make Complaint or Application to, to redreſs their Grievances and violent Uſage. Then, for their *Diets*, they are ſo few for the Commonalty, and ſo much influenc'd and overpower'd by the predominant Intereſt of their *Grandees*, that the Impoſitions can hardly be laid with any equal or juſt regard to, or right conſideration of the Poor.

In Spain. Taxes in *Spain* are yet more arbitrarily impos'd, the People having no Vote there, but all the Duties laid in effect by the King and his Council: In ſome Caſes they will adviſe with the Nobility and other Communitys, but 'tis no more than mere Complement, or matter of Form; for whatſoever the King and Council enact, that they muſt acquieſce and agree to: and the truth is, it appears ſo by their irregular, vexatious, and yet moſt unprofitable way of *Taxes*, in which they are much ſhort and inferior to any Government in *Europe*.

In France. *France* makes a fair ſhew to the People, and yet makes a better Market for the King: He impoſes Duties under the pretence of the Parliaments of each Province laying it on the People; but at the ſame time, 'tis only the King's Word that makes the Ordinance of Parliament. Not as here in *England*, where it comes laſt to the King for the Royal Aſſent: But there the King ſends the Parliament word, that he will have ſo much Mony; and all the favour they can obtain from him, is, to place it on ſuch Commodities, or Ways, as they think moſt expedient.

And, 'tis not unworthy Obſervation to remark, that theſe Parliaments of *France* are in effect no more than *Courts of Judicature* in Matters of Right betwixt Man and Man, hearing and judging Cauſes; and their Places are bought from the King, not elected by the People. So that from ſuch Parliaments nothing can be expected but the King's Dictates.

In Muſcovia. The great Duke of *Muſcovia* is above all tyrannical in his Impoſitions, charging on the Subject what he pleaſes; and yet, which is more oppreſſive to his People, he foreſtals the chief Commodities of the Kingdom, or what come from others, and ſets what Price he thinks fit upon them, by which he deſtroys his own Merchants and Dealers; and, where other Kings make themſelves and their Subjects rich, by raiſing Mony on them, he makes himſelf poor, and his Subjects miſerable Slaves, barring them all Induſtry, by ſhutting them out from Trade: and agreeably to ſuch Oppreſſions, his vaſt Dominions are thinly planted, and poor to a Prodigy; and had they the Liberty of ſeeing other Countries, he would yet have a ſmaller Stock of Inhabitants: but he keeps what he has, by making it Death for all the Kindred of ſuch as go out of his Dominions without his Licence and Permiſſion.

In Florence. Next to him in arbitrary Impoſitions, is the Duke of *Florence*, who is not bounded in his Taxes, and likewiſe ingroſſes ſeveral Trades, and ſets what price he pleaſes upon his own Commodities; by which his Country would alſo be made poor, but that he has the Opportunity of other Helps, which the great Duke of *Muſcovia* is not aſſiſted with, *viz.* a Country plac'd in the Garden of the World; and by his making *Leghorn* a Free Port, he has made it the Centre of Trade, and by that got the ſtart of all Princes in *Europe*.

In Swedeland. The Kingdom of *Swedeland* has many Advantages of raiſing Mony from the Country rather than People, and yet they are not exempt from Taxes; all which contributes to the inriching of that Kingdom, which has little of Arts or Trade to improve it, only that which Nature produces: and ſhe indeed has been liberal to that great Kingdom, in Mines of all ſorts, tho leaſt of Gold or Silver, but abounds in Copper, Tin, Iron, *&c.* of all which the King has a tenth, as alſo of Cattle and Corn; he has likewiſe the vaſt Demeſns of Biſhops and Church-Lands, out of which he only allows a ſmall Competency to his own Biſhops; and after all this, he has Liberty, by the Laws of the Land, to raiſe Mony on the Subject, in caſe of War.

The

The King of *Poland* is reſtrain'd, and can do nothing but by the Decree of the Dyet; yet has by that, Power (upon occaſion of ſudden Straits and Emergences in War) to raiſe Mony upon the People by his own Command, without aſſembling the Dyet. *In* Poland.

Denmark has a Proviſion for its ſupport above any Kingdom in *Europe*, God Almighty having (as it were) out of a particular Providence ſupply'd that Kingdom out of its own production, ſeeing there is little in it either of Arts or Nature. Denmark.

The *Toll* of the *Sound* is a conſiderable Revenue to the Crown, and, as before mention'd, ſuch as no Prince in *Europe* has the like, for that in all other Kingdoms Taxes are rais'd on themſelves; but this of the *Toll* from Ships paſſing the *Sound*, is from Strangers, that only paſs by his Country and cannot reimburſe themſelves there: Whereas Duties impos'd on Foreigners, that bring in their Commodities to another Country, is no more than laying it on themſelves, only with this difference, that they make Foreigners the firſt Collectors of it. *Toll in the* Sound.

The other Duties on *Denmark* are not conſiderable; that on Cattel which they ſell in *Germany*, is of moſt value; as their Intrado is not great, ſo is their Country poor.

I need not mention the manner of laying Taxes in Commonwealths, 'tis always with the Conſent of the People, who are too apt to cenſure their Repreſentatives, if they give not Satisfaction to the Populace.

And, notwithſtanding that of *Venice* is *Ariſtocratical*, yet have they ſuch numbers in their Senate, that no Tax can be laid but for the good of the Commonwealth, there being, at leaſt, two thouſand five hundred Gentlemen of *Venice*, who are all of the Senate; and altho many of them are engag'd in the Wars, and Foreign Employments, yet there can never be leſs, if but one quarter of them, than our great Council the Parliament. *In* Venice.

Thus I have given but a ſuccinct account of the Nature and Impoſition of Taxes in foreign Kingdoms, which now in a few words let us compare ours with, and we ſhall ſee how happy a People we are above the beſt of our Neighbours.

And firſt, let us conſider who it is that lay Impoſitions upon us: 'Tis Men choſe by our ſelves.

The difference indeed is great in the *Modus* of our Taxes, from other Kingdoms, and alſo in the Uſe of them. For the *Modus* in other Kingdoms, they generally conſider only the Nobility and Gentry, that Impoſitions may not touch or affect them, and care not how inſupportabble or grievous they are to the Commonalty: But with us the Taxes reach every man in proportion to his Quality and Expence.

In other Kingdoms they place Taxes only to raiſe Mony, and have no regard to the Trade of their Kingdom, that ſo their Taxes may not prejudice their Commerce. But in *England* care is always had, that Impoſitions may not impede our Trade and Manufactories.

Now, as to the Uſe and Employment of Taxes in other Kingdoms, they alſo differ much from ours.

In ſome Kingdoms they are impos'd to enſlave the People, and keep them poor, as in *Muſcovy*; in other parts Taxes are laid to enrich the Nobility, as in *Poland*; in others, to fill the Coffers of the Prince, as in *Florence*. *Uſe of Taxes in Foreign States perverted.*

Whereas none of theſe Uſes take up our Taxes; they are with great care and caution laid out, and by the ſame Law that raiſes them, appropriated for a particular Service, and laſt no longer upon the People, than the neceſſity of the Nation requires; for that we never have Mony rais'd, but for the Defence of the Kingdom; tho, as I ſhall ſhew in the cloſe of this Diſcourſe, 'twould redound to the advantage of the Kingdom, if there were more Taxes rais'd, and theſe aſſign'd to publick Uſes in Peace as well as War.

I ſhall now come to the chief Deſign of this Diſcourſe, which is, to demonſtrate, That Taxes are no Charge either to the Kingdom in general, or to particular Perſons; but on the contrary a Gain to all.

But to render this Matter the more plain and intelligible, I ſhall proceed after the following Method.

I. Shew who in the Kingdom pay the greateſt part of the Taxes.
II. What Uſe is made of theſe Taxes; and how they circulate in the Kingdom.
III. How Trade is improv'd by Taxes.
IV. That the Poor are employ'd by them.

V. That a Set of Men of no uſe in the Kingdom, are by Taxes made profitable in the Commonwealth.

VI. That Taxes, eſpecially when Trade is ſtopped by War, is the only Remedy to keep the trading and mechanick Hands of the Kingdom employ'd.

VII. That Taxes will enrich the Nation, and diſperſe in it as much Treaſure, when there is no Foreign Trade, as when 'tis open.

Who pay moſt Taxes.

To begin then with the firſt Head, *Who it is that pay moſt of the Taxes.* They are the worſt Members in the Commonwealth, *viz.* The Extravagant and Debauch'd. The greateſt Duties are, or ſhould be laid upon Commodities for Pleaſure and Sumptuouſneſs, as Silks, Gold and Silver Lace, *&c.* Now theſe are wore in the greateſt Exceſs by the Extravagant of the Kingdom, both Men and Women. A *Debauchee* ſhall ſpend more out of an Eſtate of a thouſand Pounds a Year, than a regular Man will from that annual Income of five times the proportion, and a Miſs lay out more on Clothes than a Counteſs: So in the Exceſs to indulge the Belly, as well as providing for the Back, the vaſt conſumption of Wines and ſtrong Liquors is by this ſort of Men; nay, the pooreſt Debauch, that can riſe no higher than to Beer and Tobacco, pays ten times as much in the Year, in proportion to his Income, as the greateſt Peer. 'Twill hardly gain belief, that there are many of the meaner People, Labourers and Mechanicks, that by their Expence when they are (as too many be) extravagant, pay to the Publick Taxes above one tenth of their daily Profit: As, ſuppoſing that a labouring Man may earn ſixteen Pounds a Year, he will expend, tho not very extraordinarily profuſe, one half of it in Drink and Tobacco, upon which the Duty of Cuſtoms and Exciſe is at leaſt two Pounds of the eight, which he lays out in idle Expences. Now, it would be vehemently decried and exclaim'd againſt, as the greateſt Oppreſſion upon the Poor imaginable, if by a Poll or Land-Tax this Man, that virtually pays forty Shillings, ſhould actually, and above-board, pay ſo many Pence by the Year.

Thus we ſee, that moſt of the Duties and Impoſitions in the Kingdom are on ſuch as do leaſt good with their Subſtance; and ſince they imprudently fling it away upon their Extravagances, 'tis certainly a Benefit to the Kingdom that there are Taxes to catch ſomething out of it, for the improvement of better diſpos'd Men, as we ſhall ſee in the next Paragraph.

Uſe of Taxes in England.

The *Second* Particular is, What uſe is made of theſe Taxes, and how they circulate in the Kingdom. In order to which, there are but two ways in which they are employ'd; one is for the King's Court, the other for Proviſions of War, in the maintenance of Naval and Land Forces. Now both theſe are as well the Employment of Trade and Artizans, as they reſolve into the Security of the Kingdom, and the Preſervation of the Publick Peace. There is no Mony which circulates ſo faſt, as that which comes into the hands of Seamen and Soldiers. Other Men that get Mony, frequently lay it up, and ſo it becomes of no uſe or benefit in the Kingdom: But Men that live by their Pay, generally ſpend it faſter than it comes in, by which means the Mony of the Kingdom, like the Blood in the Veins, has its regular circular Motion, and every Member in the Body is warm'd and refreſhed by it, which gives Life and Motion to the whole. And thus I preſume this ſecond Inſtance of the Uſe of Taxes proves, That they are of Advantage and Profit to the Kingdom.

Trade improv'd by Taxes.

Thirdly, How Trade is improv'd by Taxes. Upon this Head there is much to be ſaid: And firſt, it will be requiſite to ſay ſomething of the Nature of Trade, how it affects the Kingdom; for that Trade may in ſome Caſes prejudice a Nation and make it poor, as the Trade of *Spain* does that Kingdom. Trade may alſo effeminate and debauch a Country, as it does *Italy*.

Now 'tis certain, that we are not free from both theſe publick Miſchiefs and Inconveniences in *England*; tho our Fortune is ſuch, that being Iſlanders, and Maſters of one Commodity, which no Kingdom has in that perfection as our ſelves, to wit Wool, this hath put our People upon Manufactories, which is the Treaſure of this Nation, and keeps our Exports to a Ballance with our Imports: otherwiſe this Kingdom would have been as poor as *Spain*, and as effeminate as *Italy*; but the Employment of our milder ſort in Manufactories at home, and the more robuſt at Sea abroad, keeps us a People in action, and ſo preſerv'd from the Luxury and Effeminateneſs of *Italy*, and the Poverty of *Spain*. I need not ſpend time to prove how far we are tainted with the Miſchiefs before mention'd.

Our

Our Trade with *France*, in all Ages paſt, ſufficiently proves, That a Kingdom may be made poor by Trade, as we ſhould have been by the vaſt Treaſure their Linens, Wine, Silks, Toys, and Salt, drew from this Kingdom, if our other Commerce in the World had not ballanc'd our Loſs there. *Trade with France pernicious.*

Nor are we free from the Effeminateneſs of *Italy*, which I take to be the Returns of our Gentrys Travels; a Miſchief to be lamented, rather than expected a Reformation of, ſince we are arriv'd to that height of Vanity, as to think that Man not accompliſh'd who is not become Maſter of the Delicacies of *Italy*, and extravagant Modes of *France*.

But to return to my Province, How Trade is improv'd by Taxes: For the proof of which Aſſertion it ſeems plain, That ſome Trade may impair a Kingdom, and ſuch Taxes and Impoſitions may abate by impoſing ſuch Duties as they cannot bear. So far then it will be allow'd, that they improve Trade, as we commonly ſay, *Saving is Gain*; ſo if we keep out a deſtructive Trade by Duties, we may allow that an Improvement of our own.

But to come nearer to the matter; Taxes improve Trade, by imploying numbers of idle Men in Naval and Land-ſervice, that would otherwiſe be of no uſe, but on the contrary a Peſt and Charge to the Commonwealth. We ſeldom ſee any liſted into the Army, that are Men of Induſtry or Labour; ſuch Perſons are the Wens and Excreſcencies of the Commonwealth, that deform but not ſtrengthen the Body; and theſe being paid by the Taxes of another ſort of Creatures, as before mention'd, are of no uſe in the State: but to throw abroad the Treaſure left them by their Fathers, is virtually an improvement of Trade; for that all, like the Rivers in the Sea, terminate in the hands of Induſtry and Trade; and perhaps, if duly conſider'd, more Men, and with more certain profit, make Voyages within this Iſland upon this Fund, than there do to moſt of our Foreign Trades. And in this place I muſt touch again upon the nature of Trade, to ſhew that private hands may raiſe their Fortunes by a Trade, that may yet be a loſs to a Kingdom; as in that of *France* already inſiſted upon, many, I was like to ſay too many, have acquir'd great Eſtates by. Now all the Hands employ'd in that Trade were no better than Robbers of the Kingdom, in carrying away our Treaſure, as we uſe the *Moors* who give us Gold for Glaſs-beads.

There is another ſort of Trade, that tho it may not immediately carry away any of the Stock of the Kingdom, yet it does hurt in taking off Hands, that might be employ'd to the Advantage of the Kingdom. Now in both theſe the Trade of Taxes, for ſo I will call it for the future, has the advantage, for that it carries nothing out of the Kingdom, nor yet takes off Hands that would be better employ'd; but on the contrary, takes away the Diſeaſe of the Country, Idlers, and makes 'em at leaſt ſo profitable as to ſpend Mony, which they would not be able to do, if the Publick Revenue were not their Stock.

Fourthly, The Poor are employ'd by Taxes, and are by that means taken off from being a Charge to the Kingdom; many Men of broken Fortunes are brought into the Hoſpital of the Revenue, which may be ſo accounted, ſince 'tis generally fill'd with Perſons that are reduc'd to ſuch Neceſſities as qualify them for Charity. *Poor employ'd.*

This is one way that Taxes employ the Poor, but not the main thing I mean; which is, That the Trade of Taxes employs the poor Artizans and Mechanicks, and that in a greater meaſure than our *Virginia* and *Plantation-trade*, which we with ſo little reaſon ſo much boaſt of in theſe Kingdoms.

By the Obſervations I have always made in my traverſing the World, I find, that thoſe Parts have been moſt opulent, and the People ſafeſt, that fill'd their own Hives, and kept their Swarms at home. That little Commonwealth of *Luca* to me ſeems a Pattern for all the Princes of *Europe*, which is as practicable in the greateſt Dominions as in that little Spot, whoſe Land and Cities (having *Luna* join'd to it) are all circumſcribed within the limits of ſix or ſeven Miles ſquare; yet in that compaſs they are able to raiſe about twenty thouſand Horſe and Foot: a thing almoſt incredible, but known to all that have travelled that way, and were curious in ſuch Enquiries. *Riches the little Republick of Luca.*

Theſe People are of wonderful Induſtry, and enrich themſelves by their Manufactories, which they go not abroad to ſeek a Market for, but mind their Work at home, and ſo become more conſiderable than thoſe that ſpend their time in Travels, being by their ſettl'd living able to afford the Commodities they make, cheaper than the *Genoeſe* and *Florentines* their Neighbours.

When I ſee in Foreign Parts, how rich and powerful a little Seignory, Commonwealth, or State is made by husbanding their People; I often lament the Misfortunes of my native Country, that might certainly abound with the greateſt and moſt formidable People in *Europe* if they follow'd their ſteps. I have taken up ſome of your time in this diſcourſe of Trade, which may ſeem foreign to my Subject of Taxes; yet I muſt be oblig'd to do it in all my future Arguments, becauſe Taxes both ariſe out of Trade, and maintain Trade.

To return then to where I left off, That the Poor are employ'd by them in their ſeveral Occupations: How many thouſands of Tradeſmen have we, that are ſupported by our Land and Sea-forces, which could have no vent for their Commodities, if they were not taken off at home? Saddles, Bridles, Swords, Guns, *&c.* have no Foreign Market; yet theſe employ thouſands of Hands who are paid by Taxes.

Benefit of Taxes in improving Mony.

Fifthly, There is a ſet of Men, who like Rats in a Ceiling live upon Prey, and do no good in a Commonwealth, which theſe Taxes ferret out of their Holes; thoſe Impoſitions, I mean, which our Parliament has with great Wiſdom now laid on Stocks by Poll; for nothing but Land-taxes will reach Uſurers and Miſers, who ſpend nothing but for the ſupply of the Neceſſities of Nature. Now theſe Men are the Moths of the Country, it being more miſchievous to the Kingdom in general to hoard up Mony, than for Robbers to take it by force; and tho the Law protects theſe ſilent Thieves, yet they are real Criminals, that lock up the Tools of the Induſtrious, many ſuffering through want, that could be profitable both to themſelves and others, had they but Mony to ſet them at work. Uſurers are by too many thought a Vermin in the Commonwealth; I cannot but have a better opinion of them, and think that the Peſt and Plague of the Nation is a ſort of pious Extortioners, who declaim againſt Uſury as unlawful Gain, but will buy for half Value any thing they can meet with from a Perſon in Extremity: And next unto theſe are ſuch as adore their Bags, and will upon no Terms part with theſe Deities; their Bags are no Thorowfair, only a way in, but none out. Theſe Men are by Taxes made againſt their wills ſmall Benefactors to their Country; and it were to be wiſh'd that our great and wiſe Council of the Nation would yet purſue them farther, and lay a double impoſition upon Mony lock'd up in Cheſts, more than what is out at Uſury, which being employ'd, is on the Duty it was made for; but the other is in Captivity, and the Poltroon ſhould be puniſh'd for his Cruelty.

Taxes imploy men in Trade.

Sixthly, Taxes, eſpecially in time of War, are the only preſervation of all Men employ'd in Trades and Manufactories; and perhaps not much inferior to Foreign Trade, if in all reſpects conſider'd: For as to what is ſpent in the Kingdom, if it bring nothing in, yet it carries nothing out; and ſo far Taxes are profitable, in that the Kingdom is not the poorer for Mony ſo rais'd, and ſo ſpent; and in Times of War, and prohibition of Trade abroad, if Mony were not rais'd by Taxes, and that employ'd among our Mechanicks and Manufactories, Men would be forc'd to ſeek their Bread abroad, and the loſs of Men is the greateſt misfortune that can befal a Kingdom. The Practice of the *Dutch* in burning their Spices when they have ſuch Quantities as would lower the Price, might be ſomething of direction in this caſe; and it ſeems a good piece of Government to employ all our Hands in time of War, as fully in our Manufactories as ever in a free Trade, tho when they were made they were burnt, it being of dangerous Conſequence to diſcontinue Trade. There is no adjourning Labour, and Mechanical Arts in a few months will either loſe the Men, or they their Trade by ſome other courſe of Life.

Taxes make Mony circulate.

Seventhly, That Taxes make the Kingdom rich, and in time of War diſperſe as much Mony in the Nation, as Trade does in time of Peace.

Here I muſt touch again upon Trade, and enquire what Trade brings us in Bullion, Gold, or Coin, for we have ſome of all: tho conſidering the Value of our Native Commodities, 'tis wonderful that we ſhould have ſo little; and that of thoſe numerous Trades, which our Navigation intitles us to, we ſhould by carrying in our Ships our own Manufactories, out of all thoſe Advantages add ſo little to the Treaſure of the Kingdom, and bring home no Bullion, but by our Trade to *Spain*, and ſome little from the *Levant*, our *Guinea* Trade, and for ſome Years paſt, *Buccaneers* in the *Weſt-Indies*. But that which is our beſt Fund, is the Trade of *Spain* and *Portugal*; the former is made conſiderable to us by our *Eaſt-India* Commodities, which fetch from *Spain* more than we ſend out in Specie; tho ſome believe the *Eaſt-India* Company does us hurt, by carrying out the Gold of the Kingdom.

Now

Now then if the greateſt part of our Trade conſiſts in bringing in Commodity for Commodity, then all the Benefit of that Trade is, That it gives Employment to our common People in their Mechanick Arts; and if we can do that by our own Expence at home, it is more the Profit of the Kingdom, than by ſending them abroad, for thereby we avoid the Hazard of the Sea, and other Accidents abroad. It ſeems then that Taxes do that, ſince they iſſue forth Mony for paiment of our Artizans and Mechanicks, who are employ'd in making Commodities for our own uſe, and at the ſame time enough for that Foreign Trade, which furniſhes us with Bullion: And by this it appears that we are much greater gainers by the Trade of Taxes, than by all our Foreign Trade, which brings in nothing but Commodity for our own expence. We ſee that the Care of our Parliament is, to prevent the Importation of Foreign Commodities, and to encourage that Commerce which brings us in Mony for our own. This then is the ſureſt Trade I know for that purpoſe, of laying ſuch Impoſitions as may fetch out the Miſers Hoards, which are as remote and foreign to the Employments of the Kingdom, as thoſe in the Mines of the *Indies*: and I know no difference betwixt bringing Treaſure out of an Iron Cheſt by a good Law, and plowing the Seas by long and dangerous Voyages; only the Advantage ſeems greater, by getting it from an Enemy at home, than a Friend abroad. But undoubted it is, that the Kingdom is as much increaſed in its Common Stock, as is brought out from the monied Men. It would exceed the Limits of a Letter to evince what I am morally ſure of, That the Poll and Land-taxes, paſs'd this laſt Seſſion, have actually brought into the Bank of Trade more ready Mony than came into the Kingdom during the late King's unhappy Reign; and 'tis a vulgar error to believe that Taxes even to the meaneſt Man is a Charge, for that his Mite is with Increaſe return'd by the expence of that, which would never have ſeen day but by the Force of a Law. So that Publick Taxes expended in our own Country, may be accounted the Poor and the Mechanicks Bank, by which they are imploy'd and maintain'd; and as the meaner Sort have advantage by Taxes, ſo have they of better Quality; the Landlord has his Rent the better paid by the quick returns of Mony; the Merchants, and other Traders, find it in their Paiments and Receipts; the Country Farmer in the ſale of his Corn and Cattel: for this is certain, that moſt mens Expence, either in Clothes or Food, is according to their Mony or Fortune, not Appetite or Vanity; many men content, or rather confine themſelves to a Threepenny Ordinary, that would ſpend Twelve-pence if they had it.

Commodity for Commodity, good part of Trade.

So that after all the noiſe and clamour that is made in the Kingdom, inveighing literally againſt the heavy Taxes which are on the Subject; this unreaſonable declaiming is made for them whom no Man loves, the griping Miſers that hoard up Mony; for he indeed ſeems only aggriev'd, that pays out to ſupport Trade, in which he never had the Heart to do good: and even this Man would be a gainer by Taxes, if he were not ſeparate from humane Society, and truſted neither God nor Man; whatever he has to do in the World, is to ſee that he runs no hazard in it; and whoever he deals with muſt be ſure to him, tho he cannot be ſure to himſelf. And beſides this extreme Earthworm that hoards, there is another Set of Men that do little good in the Commonwealth, and that is ſuch as have more Mony by them than they can employ, and perhaps would gladly put it out to Intereſt but cannot: Theſe are leſs faulty than the former, yet ſhould be oblig'd to do ſome good with their Treaſures, and the beſt way ſeems to lay a round Tax upon their Mony. 'Tis with reaſon believ'd, that there is now ten times the proportion of Mony in the Kingdom, as was in the Reign of King *James* the Firſt; yet not more ſtirring in the Kingdom, but what is brought out by Cuſtoms and Duties. Then would it not be as beneficial to Trade by Taxes upon the Miſers and Hoarders of Mony before mention'd, to fetch it out from them, as with Ships to get it from Foreigners? We have rich Mines at home that may keep us in full Trade theſe ten Years, if we had none abroad; and nothing but ſuch Impoſitions as may ſupply the want of Trade, can keep our Artizans and Manufactories together.

Miſers and Uſurers pictur'd.

Thus I have huddl'd together a mixt Diſcourſe, which I fear may be troubleſome to collect, and ſhape for your apprehenſion; but your greater Judgment will unite its Incongruities: I can only juſtify the Matter to be in the main of it, Collections from the practice and uſage of other places; for what relates to this Nation, you are a better Judg than I am, who am guided by the practice of Trade, and that is, I doubt, too often exploded by Miniſters of State.

I confeſs, the Fatigues of Government are above the Conduct of a *Mercantine Head*; and therefore I acquieſce without much enquiry into them, only ſit often down with doubtful Conjectures of the Iſſue of our preſent Affairs.

I mean not of the preſent Diſtractions, which an inconſiderable number of Malecontents fling among us, whoſe Profeſſion more immediately obliges them to the Character of *Peace-makers*, than it does other Chriſtians: Theſe will ceaſe with the *Romiſh Intereſt* that masks it ſelf under them; but that which I fear is, a diſtraction of the Trades, Manufactories, and Induſtry of the Nation, becauſe I ſee none concern'd for it. The Tumour of the Times looks more like the Riſing of a Camp than Improvement of Trade and Commerce; moſt Men in Court and City purſuing Employments, Civil or Military, which I take to be an ill Omen, and doubly to be blamed.

Firſt, For Men of Fortune and Employment in Trade, to take away that which ſhould be Bread for the decay'd Man.

And then, *Secondly*, it is miſchievous to the Commonwealth to have Men that can employ themſelves in it, to be taken off from promoting the Publick in their proper Station.

Having thus run through the Nature and Uſe of Taxes, with the Reaſons that ſeem perſuaſive, as to the great help they are to the ſupport of this Kingdom; you may perhaps expect I ſhould ſay ſomething of the way how Taxes may be moſt beneficially and eaſily lain, but in that I am bar'd by ſome impertinent Pens, who are every day printing their Follies; to which is added an unaccountable Boldneſs, not to ſay more, by their deſigning to direct the Great Council of the Nation. I could name ſeveral that have taken pains in this Matter; but omitting others, I cannot but name a Paper I ſaw the other day, intituled, *Propoſals humbly offer'd to the Conſideration of this preſent Parliament, being a ſoft and eaſy way for raiſing of Mony in order to the perpetual maintaining and defending of this Kingdom.*

The Author there tells you how the Nation ſhall be ſupported by a Miracle; and if it were only ſo, I might not think it impoſſible; but as our Faith muſt be above Reaſon, yet not againſt it, ſo I think are Miracles: But perhaps this Gentleman has another Fund for his Invention out of the Turks Opinion, That Lunaticks and Idiots are inſpir'd; and ſuch may be thought ſo, that propoſe to break the moſt antient Tenure of *England*, and to raiſe up a Treaſure, which, to uſe his own words, *No body ever thought of before*; a ſtock of Honeſty to pay Fleets and Armies. He's only ſhort in not propoſing a way, how to make that Treaſure ſaleable; for he that has it, will not part with it; and they who have it not, are ſeldom in love with it, nor will take it in paiment without the Gentleman's Token, that found out this unknown Treaſure.

I beg pardon for this Digreſſion, which I make only to ſhew the Cauſe why I am loth to croud in among the Politicks, which he that gives this Advice to the Parliament often mentions.

But tho I dare not preſume to direct the beſt and moſt profitable way of Taxes; yet I will here name ſuch as I think are not the moſt deſirable, and then mention ſuch as in other parts of the World are thought moſt agreeable.

For ſuch as I take to be uneaſy to the People, and not moſt profitable to the State, are,

Taxes on Offices. *Firſt*, Thoſe that are levied on the Subject by way of Fees in Offices. This, which in its original was either to be a Profit to the Crown, in bringing in Mony to the King's Exchequer, or an eaſe to the Crown in ſaving the charge of Salaries for Officers about the Law, *&c.* is now become neither. Perhaps, if an Eſtimate was made, there would be found ſome Millions *Sterling* rais'd in this Kingdom on Offices, of which there comes not the thouſandth part into the King's Treaſury; nor, which is more ſtrange, not a Penny ſav'd of the King's Charge in maintaining thoſe Officers. Some have thouſands a Year in Fees and Perquiſites, that yet have a large Salary from the King.

Others have Offices, whoſe Fees, when firſt eſtabliſh'd, would but afford an honeſt Livelihood to the Officer that officiated; but in proceſs of Time 'tis advanc'd to ten times that Value, and now is manag'd by a Deputy, perhaps for leſs than a twentieth part of the Profit of the Office. This ſeems a grievous Tax, and would be thought ſo if appropriated to any particular Uſe of the Crown: As for Example; If the Parliament ſhould give a certain Tax to the King for maintaining a War with *France*, and this Tax, contrary to expectation, amounted to five times the Charge

of

of that War, would it be thought reaſonable for the King to demand a farther Supply from the People? Or rather, would it not be thought equal, to eaſe the Subject of ſo much of that Tax, as is ſurplus to the Charge?

The Caſe ſeems Parallel in Offices, and if enquir'd into, there may be thought almoſt enough there to ſave the Kingdom from other Taxes; but I would not be underſtood to invade any Man's Property. The wiſdom of the Nation might find Expedients to do a general Good, without a particular injury to any Man.

Poll-Mony Taxes unequal.

Secondly, Poll-Mony ſeems an unequal and unprofitable Tax; unequal, if it be by a general way, all Heads to pay alike, the Cobler with the Lord; and unprofitable, if it be by diſtinction of Qualities, for that it gives great opportunity of Frauds in Collection, and not without ſome in point of Eſtate and Quality, broken Men thinking it, and too often affecting a Credit, by being return'd in the Poll-book of that value, which in truth they may not be.

Benevolence no Commendable way.

Thirdly, Such as are raiſed by Benevolence, are the worſt of Taxes, and this of Free Gift is of double Conſideration. Firſt, as it is from the Subject to the Prince, and then as it is from the People one to another.

Benevolence from the Subject to the Prince is dangerous, in that it brings Men under diſcrimination; he that gives not largely, perhaps beyond his Ability, will be look'd upon as diſaffected. And ſuch is the unlimitedneſs of this way of taxing, that Men have no Rule whereby they may be ſafe, but ſhall, it may be, be compar'd to Men of twice their Eſtates, or that which is worſe, with Sycophants, Fools of the times, who are extravagant in their Contributions to that Government, which refunds them equally to their Service.

That of Benevolence one to the other is a frequent Tax in the Kingdom, and in my opinion one of the greateſt Miſtakes in our Government.

There is nothing more common than this, given by Authority, for Loſſes by Fire, and other general Calamities. I ſeldom ſee it for Loſſes at Sea, tho they are yearly much greater than thoſe by Fire. But to return this way of raiſing Mony by Benevolence to relieve one another, is a Tax on the beſt Men, and an Impunity on the worſt. Good Men are apt to commiſerate the Neceſſities of their Neighbours, when bad Men too often rejoice at them, and ſeldom give any thing to relieve 'em; 'tis God only that can regulate the Affections, Man can compel the outward Conformity. And there ſeems in nothing a greater want of the aid of Government, than in this of Payments to any Publick uſe, the want of which renders honeſt Men a Sacrifice for uncharitable Miſers.

I have ſometimes thought the Collection for the Poor at Church-doors no better; for till all Men be alike virtuous or vitious, that can be no equal Levy that leaves Men at liberty. The Government are beſt Judges of what the Poor ſhould receive, and the Rich pay; and if that were thought convenient, it ſeems to me moſt equal, where every one ſhould give to the Relief of his diſtreſſed Neighbor, according to his Worldly Subſtance, not Chriſtian Charity.

Taxes for Religion diſapproved.

Fourthly, Impoſitions upon Men for their Religion, ſeem no good way of Taxes. Indeed the truly conſcientious Man will think that well beſtow'd which purchaſes the Exerciſe of his Religion, but that is no warrant for impoſing it. We may ſay under the Goſpel, that which *David* could not under the Law, that he would not ſerve God with that which coſt him nothing.

I ſo much doubt my Judgment in my own Province, that I dare not intrude into that Sacred one of Divinity: but think it allowable to take any choice of Opinions in this matter, and with thoſe I join that think no Error in Fundamentals ſhould be allow'd in a Chriſtian Church, nor any difference in Circumſtantials purchaſed by Mony.

Monopolies.

Fifthly, Monopolies are an ill way of raiſing Mony; for any ſet of People to have the particular ſelling of any Commodity, or uſing any Arts, tho they pay a great Rent to the Government, is yet a great Prejudice and Tax to the People, where no Induſtry ſhould be reſtrain'd.

Companies in Trade no Monopolies.

Yet I am of Opinion againſt them that think the *Turkey*, *Hamborough*, *Eaſt-India*, and other Companies for Foreign Trade, a Monopoly. The Caſe is vaſtly differing, and ſo far from hindering a publick Good, that they preſerve thoſe Trades in the Kingdom, which would be torn to pieces by a confuſed and general Trade: This was evident in the time when the *Eaſt-India* Trade was at large; but this requires an ample Diſcourſe of it ſelf.

Alteration of Mony a bad Tax.

Sixthly, I take the Alteration in the value of Mony to be a Tax, and no good one. We are leſs afflicted with that than any People in the World; yet ſome little

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touches we have had, rather by accident than deſign, ſo needs the leſs to be ſaid on them: but wherever 'tis uſed, the Subject is the Sufferer; for call Mony what you will, it has its Standard in the World, and is no more than what other Nations account it, according to its Intrinſick Value, not what Name any King or Government gives it.

Now, If a Prince, as the *French* often do, raiſe Mony in Name, the Landlord and Officer, that receive Fees and Penſions, are the Loſers. The Merchant and Tradeſmen loſe but once, by as much as they have in their hands, at firſt coming out of the Charge; but thoſe Men of real Eſtates are Loſers, as long as it laſts, for that they muſt take it for what the Government calls it; but the Merchant and Tradeſmen will not, becauſe they put a value upon their Commodities accordingly. If the Government makes twenty Shillings three and twenty, the Merchant will have three and twenty Shillings for twenty Shillings worth of Commodities: So that he muſt value it according as it bears in the Intrinſick Value; for in proportion to that he buys and ſells throughout the World, however Kings and Governments give Names to their ſeveral Coins. So we ſee it in *France* and *Holland*, where they reckon their Caſh by *Livres* or *Crowns*, and in *Holland* by *Gilders*, and Pound *Flemiſh*; yet ſtill the Merchant rules himſelf by the Standard in *England*, which is thought the beſt in *Europe*.

Taxes on Travellers not good.

Seventhly, Raiſing Mony from Travellers and Paſſengers over Bridges and thro Cities, as they do much in *Holland*, ſeems an unequal Tax, and ſubject to great Frauds. I take it to be unequal, becauſe generally 'tis the pooreſt and moſt induſtrious that are liable to it, and perhaps it often reaches thoſe that are travelling to find out Charity, or labor for a Living. Now, to exact from them before they have purchaſed it, is a Severity equal to that of making Brick without Straw or Stubble.

'Tis liable to great Frauds, ſince 'tis impoſſible to have a Check; ſo that the Gatherers are under great Temptations, and the Collectors being Men of mean Quality, are apter to be ſeduced.

Thoſe Taxes ſeem moſt beneficial to the Government which paſs thro few and moſt ſolvent hands. And, as 'tis ſecure for the State, ſo 'tis moſt eaſy for the People; and the better Impoſitions are collected, the more are the People disburden'd from new Levies.

I ſhall now come to ſhew what are thought in other Kingdoms moſt adviſable, and they are theſe.

Exciſe in Holland.

Firſt, That of Exciſe, which is moſt uſed in the *United Provinces*, which we ſhould here think intolerable to be laid on every Bit which we eat; but there it is found uſeful, and time has made it natural to the People: ſo in *Venice* and other Parts. The great Duke of *Florence* does the ſame, by raiſing moſt of his Revenue upon Conſumptions in his own Dominions, which indeed ſeem of all Taxes the moſt equal, for that no Man by it can be ſaid to be oppreſſed, he being his own Aſſeſſor, and pays but what he pleaſes, according to his Expence: But laying it, as they do in the *United Provinces*, upon the Food of the Poor, might be thought a Grievance. If that, and one Defect more, could be remedied, there could be nothing ſaid againſt this Tax; and that is, the Rich Miſer (who ſtarves his miſerable Body) goes moſt free; therefore, as to him, I have before given my Opinion how he might be reached.

Where this Exciſe is moſt uſed, Importations and Exportations are moſt eaſed, by which means Trade is greatly improv'd, and at the ſame time the Levies to the King or State much augmented; for that the expence of thoſe Merchants and Seamen that repair thither, tho they often ſell nothing, but come to ſee a Market, is conſiderable.

In ſome Countries the Jews *tax'd.*

Secondly, In other Countries *Jews* are particularly tax'd, and for which there ſeems good reaſon, for that no Tax hardly reaches them, but like the Miſers before ſpoken of, they are indeed beyond them, becauſe Exciſe toucheth them not; they neither eat nor drink with Chriſtians; a few Eggs or Herbs are moſt of their Food; live ſordidly, and ſpend little; have no Lands or Rents to be reach'd by any Tax: Nor is their Trade profitable to a Kingdom, or advantageous to the Revenue, dealing moſt in Bills of Exchange, Jewels, and concealable Commodities, that pay no Duty.

Theſe Men ſhould be reach'd by a particular Tax, and ſo made profitable to a Kingdom.

Thirdly,

Thirdly, In ſome places the Government maintains Playhouſes and Matters of Sport and Recreation, paying the Actors Salaries, and taking the Profit into their Treaſures: and in other Parts, as in *Holland*, the Publick have one that takes part of what is given by the Spectators; ſo that they may make a Gain out of that waſt Mony, for no better can I term it. If a Calculation was made of all the Mony ſpent in *England* by ſuch Diverſions, it may be thought, a round Sum might be rais'd to the King. Does it not ſeem an Omiſſion, that a Playhouſe which receives twenty thouſand Pounds a Year, ſhould pay nothing to the Publick; when a Coffeehouſe, that receives not one thouſand *per annum*, pays twenty Pounds? And ſo it is in Muſick-Houſes, Bear-Gardens, and Plays in Fairs, *&c.* *Playhouſes.*

Fourthly, In ſome parts of the World, as *Italy*, *France*, and *Spain*, there is a Tax of Labor upon Malefactors condemn'd, ſuch as we here puniſh with Death, to the Gallies and Mines; which is a Puniſhment of greater Terror and longer Example than Death, and at the ſame time of Profit to the Kingdom. I have often thought upon this particular, and ſpent hours in debate with my ſelf; and therefore ſhall beg your patience, if I trouble you with a tedious Harangue of but part of my Conceptions. *Condemn'd Malefactors taxed.*

I have enquired firſt into the Law of God, then into that of other Kingdoms, and find that we differ from both in our puniſhment for Felonies. The Law of *Moſes*, which is more ſevere than ours in many things, (as that of Adultery and Diſobedience to Parents, the latter of which is by our Law not ſo penal as a broken Head) yet in Felonies not ſo extreme as we are; ſo far from making it Death, as not to inflict a Corporal Puniſhment. The reſtoring of four-fold was directed by the great Judg of Heaven and Earth; and if the Thief had nothing to make ſatisfaction with, he was to be ſold. But our Laws and Cuſtoms differ much, when we puniſh the Kingdom for the fault of an evil Member. It will not be denied, but that the Treaſure of Men is of more value than that of Mony.

Now, to take away the Life of a Man, is in its proportion equal to a Man's cutting off a Limb, becauſe it is ſore. A Thief is a diſeaſed Member, better to be cur'd than deſtroy'd. 'Twill be thought an extravagant fancy, yet to me it ſeems a real truth, that a Thief is leſs miſchievous to a Body Politick, than a Miſer; for he only makes a wrong transferring of Riches, the other (I mean the Miſer) keeps all buried, ſo that the Community is wrong'd by him, and only particular Perſons by the other: and, as the taking away the Life of a Man weakens the Kingdom, ſo does it injure the Perſon rob'd; for that if the Thief were not able to pay, then might he be ſold, and kept at work in Mines, or at other penal Labor, both for ſatisfaction to the Perſon injur'd, and corporal Puniſhment to the Offender. And it may be thought to be of more terror, to have a Spectacle for many years labouring with a ſhaved Head in Chains, than an Execution of half an hour, that is oftentimes ſoon forgotten.

I have nam'd but theſe four Heads for all the Foreign Uſe in Taxes, becauſe I do not remember amongſt the numerous ways they have, any other practicable and profitable in theſe Kingdoms. The two latter of theſe we do not uſe; but I preſume, if they were taken into the conſideration of better Heads than mine, they might find a way to make ſomething out of them: foraſmuch as I am able to judg, a great Revenue might be made to accrue to the Kingdom out of the Vermin of the Nation, leud Perſons of both Sexes, who now paſs as if tolerated in their Enormities; and only one Set of them that the Law ſeems ſevere againſt, puniſhing them with Death; which by ſo much appears to be the worſe, by how much we ſuppoſe nothing too rigorous for Offences againſt our ſelves, and nothing too little or indulgent for Crimes committed againſt God.

I am, *SIR*,

Your humble Servant.

A Diſcourſe concerning Mechanick Induſtry:

Shewing, how the Incouragement thereof does naturally tend to advance the Intereſt of Popular Governments, and Civil Societies both in their Religious and Political Rights: And that the Diſcouragement thereof has prov'd the Ruin of the greateſt Monarchies in the World.

Printed in the Year 1689.

The PREFACE.

SO viſibly is this Kingdom degenerated from the great Atchievements of Virtue and Induſtry, into all the ſoft Indulgences of Sloth, and of an effeminate and luxurious courſe of Life (the former the Dignity and Preſervation, the latter the Reproach and Ruin of a State) as makes it a Work of as great Seaſonableneſs as Neceſſity, to endeavor a Recommendation of ſuch laborious Improvements, as may in ſome meaſure regain to us that high Reputation and Eſteem in the World, which was juſtly due to the induſtrious management of our careful and active Predeceſſors, and which our preſent Idleneſs and too apparent neglect of Mechanical and other Employments, has either incur'd a Forfeiture of, or at leaſt can pretend no good Title unto. The nature of this Subject, chiefly relating to matters of Trade and Buſineſs, ſeems not to require any great Art of Rhetorick, or accuracy of Expreſſion in the Compoſure; and ſo comes not with thoſe Ornaments and Embelliſhments of Oratory, and of a correct and eloquent Stile, which are due to more learned and refined Diſcourſes. 'Twill (I preſume) be ſatisfactory to the judicious Reader and to Men of Action, if they find any thing of weight and ſubſtance in it, that may be of force to evince and perſuade them of the reaſonableneſs of what it propoſes, and that what is here offer'd for the promoting of Mechanical and other Arts, is neither impracticable, unneceſſary, nor yet unſeaſonable in the preſent Juncture of Affairs, and this Age of declenſion from Labour and Induſtry: But on the contrary, will (if purſu'd) derive publick Advantages upon the State, as well as tend to the Preſervation and Advancement of private and individual Intereſts, which from the Methods laid down in this ſmall Tract, we find to have already accrued to other well-govern'd Commonwealths, in a due and regular Exerciſe and Incouragement of Arts and Occupations of all ſorts. This being the principal Aim and Scope of the following Diſcourſe, will not (I hope) upon its peruſal appear altogether void of, or defective in its Deſign; which to enforce by prevalent, if not cogent Inſtances and Inducements, I have attempted to give the Reader a ſuccinct View, or an Abridgment of thoſe National Miſchiefs and Calamities, and theſe the moſt remarkable, both in Antient and Modern Governments, which have been entail'd upon Luxury and Idleneſs, how they conſum'd the very Vitals, and became deſtructive of the four great Monarchies of the World, the Aſſyrian, Perſian, Grecian *and* Roman: *How ſeveral Countries in this Age lie waſted and depopulated; ſome from an high and flouriſhing, deſcending to a moſt indigent and contemptible Eſtate; others remaining a ſterile and uncultivated Chaos, ſtock'd with a ſort of rational Brutes (pardon the illogical Expreſſion)*

Expreſſion) which have nothing but human Shape to denominate themſelves Men; and the ſource of all this beſtial Inhumanity or barbarous Rudeneſs, is the want of Arts and Labour among them. On the other hand, I have ſhewn you the prodigious Riſe of other Places, from an abject to a very wealthy and honourable Condition, effected by means of their great Induſtry: and in fine have parallel'd both in an applicatory Relation to our preſent Conſtitution and Government, as well demonſtrating how our luxurious Eaſe and Plenty, and the diſcountenancing of Labour among us, threaten an Introduction of that Ruin which has attended other Nations that ſunk into Voluptuouſneſs and Sloth; as preſcribing of other Kingdoms as Patterns of our Imitation, who are fam'd for their Induſtry, will in conſequence confer upon us proportionable Emoluments and Advantages.

A Diſcourſe, &c.

THAT which the Great *Jehovah* juſtly inflicted upon *Adam*, as a Puniſhment due to his violation of, and apoſtacy from his original and priſtine Eſtate of Innocency, [*In the ſweat of thy Face thou ſhalt eat thy Bread*] was in the days of *Solomon* turn'd from a Curſe into a Bleſſing: For this being pronounc'd by God to *Adam*, as well in the nature of a Command (obliging him and his Poſterity then in his Loins, to a laborious courſe of Life for the future) as by way of a juſt Judgment upon him for his voluntary Defection, did conſequently derive many ſecular Felicities and Enjoyments upon ſuch as liv'd in obedience and conformity thereto. The Golden Age, or rather that momentary ſtate of Integrity (not ſo in its own nature, but of Man's continuance in it) was indeed exempt from all painful Anxiety or laborious Toil. Nature, as a plentiful Store-houſe, furniſh'd every living Creature with proper and diſtinct Proviſions, without any Cultivation or Improvement, Art or Induſtry; the whole Univerſe abounded with plenty of its own production, and ſeem'd like a Tree overcharg'd with Fruit, to bow down to *Adam*, that ſo he might eaſily and without any trouble pluck of all ſorts except that of the *forbidden*, which tho but one, muſt needs be taſted by his extravagantly delicate Palate, which ſour'd and imbitter'd all the pleaſing ſweetneſs of the reſt; and thoſe things which he had ſo freely fed upon before, muſt now be eaten with ſorrow all the days of his Life.

What the Curſe of Adam.

Man thus wilfully deſcending into a laps'd condition, from his free and happy Eſtate in *Paradiſe*, the whole World, and all the Creatures in it (as a Curſe appendent to his Fall) by the immediate deſignation of Divine Providence, became degenerated from their admirable ſubſerviency and uſefulneſs, ſo fitly accommodated to the conveniency of Mankind in their firſt Inſtitution. That which had of it ſelf brought forth *Fruits*, and variety of *Herbs fit for the uſe of Man*, muſt now be cumber'd with *Thorns* and *Thiſtles*. Nature is now ſo far declin'd from her firſt Eſtate, that Art and Induſtry are indiſpenſably requir'd to preſerve her from Ruin; and the Breach made by the Fall of *Adam*, muſt either be repair'd by human Diligence, or elſe ſhe will ſink under her own weight, and return (at leaſt by gradual Approaches) to her primitive Chaos and Confuſion. This being then the ſtate of Affairs under the Fall, ſo different from and inferior to that of Original Innocence, which naturally flow'd with an abundant affluence of all worldly Bleſſings and Enjoyments, and which ſeem'd like ſo many Corrivals equally contending which ſhould firſt court Man's Acceptance, and invite him to ſolace himſelf with them, rather than require a laborious ſearch or indefatigable toil in their purſuit: It remains then, that if any would under this laps'd Oeconomy and degenerated Government of the World, arrive to a tolerable degree of Felicity in it, or to a participation of the Divine Favours, and ſtill bountiful Proviſions of Sovereign Providence; the way to compaſs theſe naturally deſir'd Accommodations is, by Labour and Induſtry, by a diligent purſuit and induſtrious management in the World. For ſince the State of Original Purity ſoon expir'd, and that Pains and Toil are not only the Curſe, but Condition of the Laps'd, which God has appointed us to make uſe of, if we would taſte of the Comforts and Emoluments of human Life: It is plain then, that it is as well a Duty preſcrib'd them from God, as the moſt con-

Induſtry preſerves the World from Ruin.

ducive Expedient for mens Intereſt and Advantage, to apply themſelves with vigilance to their reſpective Vocations and Capacities. And this is an undeniable Truth, not only capable of illuſtration from ſeveral Inſtances in the infant days of the World, which may be derived from the Patriarchs, whoſe Labour and Induſtry were the Marks of their Honour and Dignity; but is alſo evident from the *Gentile* Kings in this Caſe: as for inſtance, the King of *Moab* who was a Sheepmaſter. And however the Mechanick and Rural Employments are now (by the vanity of the Age) become contemptible; yet we find, that he that was the moſt competent Judg of theſe Matters, made choice of two of the firſt Kings of his People out of ſuch. And we do not read that Royalty in them put a period to the Employments of the Fathers, ſo as not to deſcend to their Children. On the contrary, we read that *Abſalom* had his Sheep-ſhearers and his Corn-Fields in his own management, as appears by remarkable Inſtances. But now the prodigious growth of the World, as well in Impiety as in Mankind, is arriv'd to that height, that *Nimrods* are rather choſen than *Davids*, and Government oppreſt with a greater burden of Labour and Toil, than that which is annex'd to the Plough.

Inſtances of Princes being given to Induſtry.

Seeing then that even the Throne is not exempt from Labour, and conſequently he that ſits upon it not diveſted from Care and Anxiety; it ſeems but reaſonable that there be an exact Harmony and Conſort betwixt the Prince and the Subject, and that every String in the grand Inſtrument of the World ſhould be wound up to its height, that ſo there might be no Jars. In order whereunto, it ſhall be my Work to ſhew, That tho it is impoſſible to bring Men to conformity in all Points of Labour and Induſtry, yet that 'tis extreme eaſy to effect ſuch a Reformation as might free this Kingdom from that Load and Oppreſſion of uſeleſs Men, under which it labours ſo much at preſent; and yet not part with them, but rather take ſuch Methods whereby every individual Perſon may become a profitable Member to the whole Community. For tho this Kingdom is plentifully ſtock'd with too many Perſons who are addicted to Idleneſs and Sloth; yet has it too few Mouths in general, and cannot be accounted above one third peopled, if compar'd with other parts of the Univerſe.

And therefore in this Diſcourſe, I ſhall *Firſt* ſhew the *Miſchiefs* that attend thoſe Countries where Men are ſuffer'd to live without honeſt Employments.

And in the *Second* place, ſhall particularize ſome Inſtances, ſetting forth how Men are oblig'd to Employments in ſome Kingdoms, and the good Effects which reſult from that Engagement.

And in the *Third* place, ſhall demonſtrate with what good Succeſs the ſame might be effected in this Nation.

Miſchiefs attending Idleneſs.

In reference to the firſt of theſe Particulars; If we conſult Hiſtory, whether Antient or Modern, we ſhall undoubtedly there find, that Idleneſs has, in all Ages, been the Nurſe and Parent of Voluptuouſneſs and Effeminacy, which gradually encreaſing in proportion to a conſtant diminution of Labour and Induſtry, finally brought an irreverſible Deſtruction upon ſuch Countries where they gain'd the Aſcendent, and did predominate.

Amongſt the Aſſyrians.

Of this, the Monarchy of the *Aſſyrians* is a pregnant and remarkable Inſtance, who degenerating from thoſe maſculine and great Atchievements (which firſt gave riſe to their Univerſal Greatneſs) into a libidinous and intemperate courſe of Life, became an eaſy Prey to *Cyrus* the Great.

The Perſians.

And thus it hapned to the *Perſian Monarchy*, which being over-run with Eaſe, Luxury and Riot, with ſoft and effeminate Delights and wanton Pleaſures, with all manner of Delicacy and Licentiouſneſs, ſeem'd to the Great *Alexander* rather like Beaſts fitted for the ſlaughter, than for uſe and labour, and gave his Warlike *Macedonians* more trouble to diſrobe them of that Pageantry and ſumptuous Apparel which, like ſo many Theatrical Grandees, they came vainly adorn'd with to Battel, than they found in obtaining an eaſy Conqueſt over thoſe puſillanimous and gaudy *Perſians*, who ſcarce gave any oppoſition.

Luxury the Ruin of Alexander the Great.

But then, how quickly do we find the Scene chang'd in this mighty Conqueror, who no ſooner began to conſult his Pleaſures, and to foſter up himſelf in Idleneſs and immoderate Exceſs, but this very Man (who had been the Terror of the Univerſe) becomes a Scorn and Contempt to his own Soldiers? Whilſt he purſu'd the *Macedonian* Strictneſs, and follow'd the Genius of his native Country in a warlike Induſtry, ſo long they ador'd him as a God: But when he began to wear the effe-

minate

minate Habit of the *Perſians*, and to acquſtom himſelf to their Vices, even his greateſt Favorites hardly accounted him a Man; whoſe Debauchery and Intemperance ſoon put a Period to the Life of that illuſtrious Prince, and to the *Macedonian* Empire, which otherwiſe might have been of a laſting duration and continuance.

The like ill Deſtiny attended the *Roman* Monarchy, when the *Turks* (who had been conſtantly inur'd to Hardſhips and perpetual Toil) found the others a People uneaſy with their Plenty, and ſo burden'd with their Time, that 'twas difficult to find ways enough to ſpend it.

Idleneſs diſcourag'd by Mahomet.

And 'twas doubtleſs foreſeen by that grand Impoſtor *Mahomet*, that Idleneſs and Luxury would, if indulg'd, ſo gradually enervate that mighty Empire, as ſoon to bring it to deſtruction: for the prevention whereof, like a ſubtle Legiſlator, he enjoin'd it for a Law, which even their very Emperors were not to be exempted from, namely, to eat no more than the Labour of his Hands could purchaſe every day.

'Twould be an infinite Undertaking to enumerate the ſeveral Miſeries which at this day attend upon thoſe People, who are deny'd the benefit of Arts and Labour. How do the wild *Arabs* live, and aſſociate with their Herds? from whom, beſides the erectneſs of their Stature, no other Mark of Diſtinction is ſo viſible upon them, as that they are the more careful Beaſts in providing for their Companions.

North Americans.

We may ſee in another Shape the deſolate *Americans*, thoſe of them eſpecially who inhabit the *Northern Parts*, where the Men account it a degradation to their Sex, to expoſe themſelves to any Pains for the Food they eat; but believe it to be a Duty incumbent upon the Women, to make Proviſion for ſuch as they bring into the World. And this brutiſh Sloth and Stupidity is attended with as ſignal and extraordinary a Judgment: for notwithſtanding that the Country, as to Healthfulneſs and other Conveniences of humane Life, is inferior to none in *Europe*; and beſides that *Polygamy* is allow'd and practis'd amongſt them, and that they will no longer retain any Woman whom they find to be barren or unfruitful; yet are they ſo few and inconſiderable in number, as by a reaſonable Computation might be thought not to be the Progeny of one Family in leſs than an hundred Years.

Iriſh *how miſerable formerly, and why.*

But to come nearer home, we find the *Iriſh*, by the Account given us in their own Hiſtories written in their Mother Tongue, to have been the moſt miſerable People in the Univerſe, when the *Engliſh* firſt arriv'd amongſt them. And that then, altho they liv'd promiſcuouſly as to the uſe of Women, yet the Souls of that Kingdom were not ſo numerous, upon the *Engliſh* firſt reduction of them, as they afterwards were in the Reign of King *James* the Firſt, notwithſtanding their frequent and reiterated Rebellions had, by a whole Series of War and Slaughter for ſome ages, conſum'd a vaſt, or rather incredible multitude of People amongſt them.

The Reaſons which they aſſign for a Solution of this ſeeming Paradox, are two.

Firſt, they ſay, That before the *Engliſh* Conqueſt they liv'd in great Idleneſs and Sloth, having neither Arts nor any thing of Labour among them; which put them upon a neceſſity of committing what Rapine and Spoil they could, and continually to rob and prey upon one another: for another Man's Herds being more numerous than his Neighbours, ſeem'd juſt grounds to him of making War with him; and ſo mutually cruel and barbarous they were upon ſuch occaſions, that 'tis obſerv'd in all their Poems (for ſuch they had amongſt them) that there is not to be found one of Mirth, nor to this day have they any muſical Note or Tune (tho they afford ſome variety) which is not melancholy and doleful.

The ſecond Reaſon they give for their being more numerous now than in former Ages is, That the *Engliſh* Laws and Government having introduc'd Arts and Labour amongſt them, they now, by their own Induſtry, make proviſion for their Children, and are early in their Marriages, that ſo they may be eas'd of their Charge. And tho the maintenance which they now provide for their Children, be ſtill very mean and contemptible, yet however it is ſuch as to preſerve Life, which in former Ages they were not able to compaſs. Nor were they at all ſollicitous what became of the Fruit of their Luſts, which perhaps was ſo intermixt, as 'twas difficult to diſtinguiſh or claim a Property. And now, notwithſtanding they are bounded from theſe Exorbitances by reſtraint of *Engliſh* Laws and Conſtitutions, which are found to be a ſtricter Curb and Obligation upon them than that

of

of their Superſtitious Devotion, which gives a known Latitude and Indulgence in that and other Sins; yet are they not now utterly free from, but, as 'tis ſaid, rather frequently addicted to the ſame Vice.

Engliſh Induſtry in Ireland, how beneficial.

Nor has the good Example of the *Engliſh* Induſtry been of that prevalence among ſuch of them, as entitle themſelves Gentlemen (who are very numerous in that Kingdom) to aſſume the moſt honourable and genteeleſt Employments relating to Trade, tho at the ſame time they are ready to ſtarve for want of Suſtenance, which they had rather beg or ſteal than labour for.

This has viſibly, and to a demonſtration, been the ruin of that Kingdom; for that the moſt uſeful and beſt Men amongſt them either are forced to Foreign Service, and ſo neceſſitated to deſert their Country, or are executed for Robberies, Murders, *&c.* or, which is not the leaſt inſtrumental to their deſtruction, periſh for want of Conveniency and neceſſary Proviſions: an irregular Life bringing Diſtempers upon them that ſhorten their days; for it is a common Obſervation, That among the many Thouſands that live, as they call it, by *coſhering*, there is rarely ſeen an old Man.

Whereas had the *Iriſh* been induſtrious, and been educated to Arts and Labour, they had kept out thoſe Numbers of Mechanicks that went from *England* into that Kingdom; and by that means might have been Maſters of their own Country, notwithſtanding their ſubjection to *England*; I mean, they might have been Maſters in this ſenſe, ſo as to have had the command of Trade and Buſineſs. But Divine Providence ſaw it not fit to put Opportunity into their hands, as that would have done, whereby to capacitate them to act greater Barbarities by their Numbers: Whereas both now and in the former Rebellion, they have for their own Service preſerv'd abundance of Artizans of all ſorts, without whom they could not ſubſiſt, which otherwiſe had felt the unſupportable Effects of their bloody and inhuman Cruelties. But having now done with theſe Excreſcencies of *Spain*, from whence they pretend to have originally ſprung, let us ſee how thoſe which they lay claim to for their Anceſtors, have throve in their averſion to Induſtry.

Many Advantages of Spain *loſt by Sloth.*

If we deſcend to a particular view of the ſtate of that Kingdom in all its Reſpects and Circumſtances, it may reaſonably be accounted a Prodigy in Nature: And as by a vulgar Miſtake ſome account a *Defect* in Nature to be a monſtrous Production; we may more rationally affirm, That *Spain* hath made it ſelf ſo by Sloth.

Take it in the conveniency of its Situation, Fertility of Soil, in the Advantages of its rich Mines in the *Indies* (which if rightly manag'd would be ſo) and it might be reaſonably accounted almoſt an abſolute Impoſſibility, to be reduc'd to that extreme Poverty and Scarcity of Men wherein it now ſtands.

I know the Cauſes aſſign'd are the baniſhing the *Moors*, and their Numbers buried in the *Weſt-Indies*; but it is plain that that is not the ſole occaſion of the aforeſaid publick Inconvenience: for were Arts and Employments encourag'd in their Country, as one Set went out at the Southern Door, another would come in at the Northern, and *Europe* would ſupply their Loſs in *America*.

It were eaſy to ſhew, how with their own Wool, and ſuch of coarſer ſorts their Neighbours abound with, they might with their own Manufactories furniſh their *Weſt-Indies*, by which means their Bullion would be their own, which now they are no better than Chriſtian Slaves to provide for *Europe*.

Manufactories not follow'd in Spain.

Beſides, if they had Manufactories, they would fill their Country with People, and not put them upon a Conſult, as it happen'd in the Year 1649, Whether the Court ſhould not remove for the *Indies*, not having People to keep both.

Add to this, That the want of Employment in *Spain*, occaſions thoſe frequent Acts of Violence which are committed in that Kingdom: for tho 'tis ſo thinly peopled in ſome Parts, that there are ſcarce Men enough to entitle it to the Name of a Country inhabited; yet are there great numbers of *Banditoes* to ravage upon the few that are there.

Thus we ſee the diſmal Effects of Idleneſs in *Spain*, which has been of that miſchievous and almoſt fatal Conſequence, as to bring that Kingdom upon the very brink of Ruin; which had before this been devour'd by the *French*, had not their other large and induſtrious Dominions preſerv'd them.

Having thus taken a ſuccinct and tranſient view of the ill Eſtate of thoſe Kingdoms and People which are deſtitute of Arts and Labour, let us in the ſecond place, according to our former Method, particularize ſome Inſtances, ſetting forth how

Men

Men are oblig'd to Employments in ſome Kingdoms, and the good Effects which reſult from that Engagement.

Induſtry among the Germans.

In purſuance whereof I ſhall begin with *Germany*, where we ſhall find a People inferior to none in their juſt veneration to Antiquity, and due eſtimate of Noble Blood, that is truly deriv'd from virtuous and honourable Progenitors, which they ſet ſo high a value upon, as that even to exceſs they deſpiſe mixing with the *Plebeians*; and yet among theſe great Nobility, the younger of whoſe Families are employ'd in their Armies, rarely is there found one of them without a Manual Art; by which, if reduc'd to extremity, he may earn his Bread, rather than live upon the Charity and Benevolence of others, a ſordidneſs of Temper which they bear an utter Abhorrence and Deteſtation to, having too much of that *Roman* Spirit, which had rather loſe a Life than hold it at the Courteſy of another.

A remarkable Story of a Nobleman's Daughter in Germany.

And this recals into my Memory a Story, which, for its pertinent congruity to the preſent Diſcourſe, may not be improper to relate: There was about the Year 1615. a Nobleman in *Germany*, whoſe Daughter was courted by another Lord, who was a very young Man. When he had made ſuch progreſs in this Affair as is uſual by Friends, the old Lord deſir'd to ſpeak with him, and after ſome conference together, asked the young Nobleman, How he intended, if he ſhould marry his Daughter, to maintain her? He reply'd, Equal to her Quality. To which the Father return'd, That was no Anſwer to his Queſtion; he deſir'd to know what he had to maintain her with? To that the young Lord reply'd, He hop'd that was no Queſtion, for that his Inheritance was as publick as his Name. The old Lord own'd his Poſſeſſions to be great, but ask'd him if he had nothing that was ſecurer than Land. The Queſtion was ſtrange, but ended in this, That the Father of the young Lady gave his poſitive Reſolve, never to marry his Daughter, tho his Heir, and would have two ſuch great Eſtates, but to a Man that had a manual Trade, by which he might live if drove from his own Country. This young Lord was maſter of none at preſent, but rather than loſe his Miſtreſs, he deſir'd only a Year's time, in which he promis'd to acquire one: In order whereunto he got a Basket-maker, the moſt ingenious he could find, and in ſix Months became Maſter of his Trade, with greater improvement than his Teacher: and as a proof of his Ingenuity and great Proficiency in ſo ſmall a time, he brought to his Miſtreſs a piece of his Workmanſhip, being a white Twig-basket; which for many Years after became a general Faſhion among the Ladies by the name of *Dreſſing-baskets*, brought hither to *England* from *Germany* and *Holland*.

But to compleat the ſurprizingneſs of this Relation, it happen'd ſome Years after this Nobleman's Marriage, that he and his Father-in-law ſharing the Misfortunes of the *Palatinate*, were drove naked out of their Eſtates; and in *Holland* for ſome Years did this young Lord maintain both his Father-in-law and his own Family, by making Baskets of white Twigs, to ſuch an unparallel'd Excellency as none could attain: And 'tis from him that they derive thoſe Curioſities that are ſtill made in *Holland* of Twigwork.

This is a Digreſſion from the Matter in hand, but the more inſiſted upon, becauſe I deem it not altogether improper to my Deſign of ſhewing, how fond and ambitious Men are in Foreign Countries, of learning Arts and Mechanical Employments, whereby to avoid Idleneſs, that common Peſt to the Publick Good, and conſequently to every private and individual Intereſt, as involved in the other.

Idleneſs much diſcourag'd.

From this Proſpect of the Nobility and Gentry, we will now deſcend to a lower view of the meaner and inferior Sort among them, whoſe Induſtry is ſo remarkably great, that even Children of four Years old will earn their Bread: Add to this, that they are kept out of harms-way by the ſame Diverſion, tho more profitable, whereby we keep our Children in this Kingdom; and that is by making wooden Toys, painted Boxes, Pipes, *&c.* for our Children to play with; there they employ all the Children of a Town, from three Years to eight, in thoſe eaſy Matters of ſhaving a little Stick of Fir, or daubing a little Paint upon a Stick or Box, things of that eaſy nature, as may be done by a Child that can ſpeak, and but hold a Knife or other ſmall Inſtrument in its hand.

Children employ'd.

When they advance more in Years, 'tis then uſual to pitch upon a Trade; and generally they apply themſelves to that of their Fathers, whereby you ſhall oftentimes find 'em to derive their Pedigree and their uninterrupted Succeſſion in the ſame Trade or Employment, in a continued Line from Father to Son for ſome hundreds of Years. And this Genealogy as well in Occupation as Deſcent, is inſiſted upon

upon by them with as much Pride and Oſtentation as can be ſhewn by their Nobility, in their continu'd Tracings and Derivations of themſelves from a numerous and antient Stock of their famous and heroical Progenitors.

Learn Trades early.

'Tis not their Practice, as with us in this Kingdom, to bind an Apprentice for ſeven Years; three or four is their common Standard: and the reaſon is, becauſe they are educated from their Cradle to ſomething of Employment, which renders them the more apt and docible, and conſequently the more capable of attaining to a Ripeneſs and quicker Proficiency in Buſineſs. Whereas our Youth, here in *England*, being bred to nothing before they come to be Apprentices, make a very ſlow Progreſs, and require much longer time wherein to reach the Perfection of accompliſh'd Artiſts.

And ſuch as are of Families not educated in Mechanical Employments, thoſe they make uſe of, either in Affairs Military, or elſe in Studies of genteeler and finer Arts than either of theſe; by which admirable Decorum, ſo regularly obſerv'd, in proportioning every Order and Degree of Men among them to their ſutable and reſpective Vocations and Capacities, it thence happens, that in whole Provinces there is not a Man that eats the Bread of Idleneſs, or of other Mens Labour and Induſtry.

In the Hanſ-towns.

Nay, in the *Hanſ-towns* they ſtill ſhew a greater Care and Sollicitude in theſe Matters, not judging it expedient to admit of any more than an uſeful and competent number for the City, of any who profeſs the Liberal Sciences; but, on the contrary, oblige all their Natives and Inhabitants either to Merchandize, Navigation, or to manual Arts and Manufactories; inſomuch that that famous Mart of *Hamburgh* (to which City belong more Ships of Burden and Value, for all manner of Trade and Commerce, than to any City of *Europe*, *London* and *Amſterdam* excepted) does admit of one Phyſician, of two Civilians for the Law, and but one Divine, beſides thoſe who are conſtantly employ'd in the City: Yet on the contrary hand, offer great Encouragement to Men of all Nations, to inhabit among them, that are for Mechanick Labour and Sea-Service, as accounting him but a neceſſary Evil, whoſe Induſtry and Parts lie only in the Brain, or bound their Situation in the Head; and one of ſuch they deem ſufficient for thouſands, who work with their Hands.

Few Beggars in Hamburgh.

By reaſon of which orderly Management of Affairs, and the Proviſion made to promote Labour, and to diſcourage Idleneſs and all uſeleſs and unactive Men, it is very remarkable, That in this City no Man ever ſaw a Beggar: yet many aged and unfortunate Poor there are, occaſion'd by Loſſes and croſs Accidents at Sea; but then ſo Chriſtian and Charitable a Commiſeration of their Condition is entertain'd by the Government, that in all Bargains and Contracts in that City, ſomething is ſtill preſerv'd as a voluntary Gift for the Poor, or if I may ſo ſay, as a free-will Offering to God for their Supply; and this repoſited in the Hands of the Miniſter of the Pariſh, who has Church-wardens joyn'd to him, in order to a right diſpoſal of this Mony for the Poor.

A Ship puts not forth to Sea, but with an Iron Box for the uſe of the Poor, of which the Keeper has no Key, but is kept by the Miniſter and Church-wardens, and upon the Return of his Voyage, when he receives the Holy Sacrament of the Lord's Supper, he brings to the Altar his Box, which he uſeth all care to repleniſh and ſupply; and there is not a Seaman in his Ship but puts ſomething into it, whenever he receives his Wages.

How Induſtry is encourag'd amongſt the Dutch.

To what has been already premis'd, 'twould be needleſs to name or inſtance to you the Example of the United Provinces, which are ſo contiguous to our Iſland, as well as juſtly fam'd throughout the whole Univerſe for their eminent and induſtrious Improvements, and for ſuch ſuperadditions of Art to Nature, or rather of ſuch as Nature ſeem'd not capable of; and which have been of more uſe to them than all their Martial Strength, for the Defence of their Country againſt their Enemies, and have advanc'd them from the poor diſtreſſed, to the honorable Title of the High and Mighty Eſtates of *Holland:* And that formerly uſeleſs, and now little Spot of Ground, become the richeſt in *Europe*, is a moſt evident Demonſtration of the miraculous Power of Induſtry, and of thoſe prodigious Acquirements which human Nature is capable of attaining to, by a laborious and indefatigable Purſuit; which as it has created a general Eſteem for theſe States throughout the whole World, ſo has reflected no ſmall Diſgrace upon their Neighbours, whilſt enjoying fertile and profitable Countries, both in their Situation and other abundant National Advantages and Emoluments, far ſuperior to this, they ſuffer

ſuffer their Lands to lie waſt and uncultivated, and neglect all the Opportunities both of Art and Nature, whereby to enrich and improve them: when on the contrary, theſe are forc'd to change the very Elements, having more living upon the Water than they have upon the Land; which is ſo plentifully ſtock'd, that it admits of no more.

If from this little Spot of Ground we paſs farther into the Country, it will be worth our while to conſider, what Care and Diligence is us'd by the Government to oblige the Rural unto Works, for the publick Good.

In *Flanders* they admit not a young Man to enter into the State of Mariage, without firſt obtaining a Certificate from the Magiſtrate of the Place of his Reſidence and Abode, ſetting forth his having planted ſuch a number of Trees, *&c.* I might demonſtrate the Truth of this Point to you, from a great Variety of other Inſtances, both of Countries and Perſons, which would be agreeable and pertinent enough to my preſent Deſign; but aiming at Brevity, this may ſuffice to ſhew the great Care and laudable Endeavours of Foreign Governments to oblige their People to Labor and Induſtry, and to evince this Nation of that wonderful Succeſs it has met with, for the Growth and Improvement of their reſpective Inhabitants in Riches, and the like proſperous Contingences of this Life. *In* Flanders.

I come now, in the third Place, to demonſtrate with what Poſſibility and good Succeſs, the ſame Induſtry might be effected, and conſequently become practicable in theſe Kingdoms, which is us'd in others, and how the want of it leads to the ſame Fate, which became deſtructive of thoſe Monarchies and Countries already mention'd.

We are not ignorant, that Chriſtianity in general, and more eſpecially as profeſs'd in its antient Purity in this Nation, does indiſpenſably oblige all its Votaries and Adherents to a ſober and laborious courſe of Life. We know, by the Parable of the Talents in the Goſpel, that we muſt encreaſe both our Spiritual and Temporal Enjoyments; that both a Stock of Grace and of worldly Comforts and Accommodations are to be improv'd by our Labour and Induſtry, tho it's true our Care and Sollicitude for the laſt muſt be ſubordinate to the firſt: yet however, as we are but Stewards to what we enjoy, we muſt ſo manage, as to be capable of giving a good Account; and as we are but Servants, entruſted with an induſtrious laying out of theſe Advantages of human Life, we muſt ſo husband and improve them too, as to be able to return them with an Increaſe (the Effects of our Labour and Vigilance) when our Grand Maſter ſhall require them at our hands. And indeed the Inſtitution of the whole Creation is in all its parts ſo fitly accommodated to, and ſo naturally capable of Labour and Induſtry, that tho Man in his firſt Eſtate was exempted from, yet now he muſt bear a conſiderable ſhare in this general Pains and Toil of the World. The very inanimate Creatures, the Sun, Moon and Stars, have in their kinds their proper and diſtinct Offices of Labour, to which they were firſt deſign'd by Sovereign Providence, and which they duly and regularly perform. The Trees and Plants, and things of a Vegetative nature, diſcharge their ſeveral Functions, in concurrence with this Grand Deſign. What Slavery and Toil is undergone by Senſitive Creatures, how they labour and are haraſſed with continual Pains, needs not be illuſtrated. In the order of the Creation, the next Degree above theſe are Men, which by reaſon of their Superior Faculties incommunicable to Senſitive Beings, we call rational Creatures. But to paſs by them at preſent, if we look up to a higher Species or Rank of Creatures, the Angelical Beings, we ſhall find that thoſe Bleſſed Spirits are continually buſied and employ'd either in repeated Hallelujahs and Euchariſtical Praiſes; or elſe are ſent upon frequent Embaſſies and Negotiations into this lower World; or admitting the Speculation of their Tutelary Function, are many of them oblig'd to a conſtant Watchfulneſs, and an immediate Attendance upon Man, whereby to oppoſe and repel the Temptations of Satan and his Apoſtate Legions, by inſtilling into their Hearts a Love and Veneration of the Divine Nature, and by ſtriking them with an awful Dread of, and a moſt ſubmiſſive Regard to his Sovereign and Imperial Majeſty, and conſequently by impreſſing deep Characters of Religion, and the Fear of God upon their Souls. It remains then, that of that great Variety of Creatures which God made, all, in their diſtinct Conditions and Capacities, are naturally ſubjected to Labour and Induſtry: ſhall then Man be excepted, who was made but a little lower than the Angels, and ſo, in a ſuperior degree to all other created Beings, endow'd with thoſe excellent Faculties of Reaſon and Judgment, of which brute and ſenſitive Creatures do not participate, and conſequently are not ſo qualify'd for a *Chriſtianity obliges to Sobriety and Labour.*

right management of Labour as Men are? For tho many of them exceed Man in Strength, whereby they become in the greateſt Toil more indefatigable than they; yet for want of Judgment, and the diſcourſive or rational Faculty, they cannot direct their Pains to proper and advantageous Ends and Uſes; but in this are order'd and govern'd by Man, as they are the Inſtruments which God and Nature has appointed to be uſeful and ſubſervient to him, in the promoting of Labour and Induſtry. Seeing then that Man is thus eminently qualify'd beyond all the other Beings of this lower Orb for great and laborious Improvements; it follows neceſſarily, that he muſt either act agreeably to theſe peculiar Excellences of human Nature, or elſe ſink himſelf below the Condition of Brutes and the moſt inferior Beings, who (as is already prov'd) do by natural Inſtinct carry a direct Correſpondence to their firſt Inſtitution in this reſpect. But to paſs from a religious to a natural Conſideration: If we conſider that Nature aims at an exact Symmetry and Proportion in all things, and does as much purſue a conſtant Order and Harmony in all her Operations, as ſhe carefully declines Irregularity and Confuſion; we muſt then needs acknowledg, That that which we look upon as a Deformity or ſuperfluous Excreſcence in a Body Natural, muſt in a parallel Proportion be juſtly reckon'd to be ſo in a Body Politick: And if it be ſo, then tho we muſt confeſs the Fingers to be the Inſtruments of the Hand, yet one more than of Uſe is vulgarly ſtil'd a monſtrous Production (tho more properly a Deviation of Nature from her Intention or Order) Why then may it not be with a parity of Reaſon ſo thought of an uſeleſs Man, in a State or Commonwealth? ſuch a one being not only a Deformity, but a Nuiſance unto it, as well as a Blemiſh to, or an Excreſcence in any Government. 'Tis that which takes away the Life and Sap from the Root of the State, but neither imparts any to it, nor produceth any Fruit, and therefore muſt either be ſo cultivated and diſciplin'd by good Laws and Government, ſo as to make it Fertile, or elſe deſerves no better Uſage than that of being cut down, for why cumbreth it the Ground?

But I muſt beg pardon for this tedious Harangue upon theſe two Arguments drawn from Religion and Nature, obliging Men to Labour and Induſtry; and proceed to ſhew, How what has been premis'd may be calculated to the Meridian of, and applicable enough to this Nation: For the Proof whereof, That *England* exceeds any part of *Europe* for the Advantage of its Situation and its Utenſils of Trade and Commerce, is a Matter of ſo unqueſtionable a nature as none will diſpute; neither that they can want Vent for their Labours, ſince it is a Spot of Ground which ſo many of other Countries muſt neceſſarily paſs by: All the Miſchief that attends it is its Eaſe and Plenty, and that the Proviſion for a Day requires not the Labour of half an hour in many Employments.

Now if it be a Matter of ſo great facility to purchaſe a Livelihood, it ſeems to be a Crime of an higher aggravation, to live upon the Labour of others.

The Plea of idle Perſons.

But the common Plea of Idlers is, That they would work if any would employ them; which ſeems to charge the Government with Omiſſion, in not providing Employments for all Ages and Sexes, as to which the Laws already made (we ſee) do not, tho in ſome parts of the Kingdom, where the Woollen Manufactory is conſiderable, the common ſort are ſo taken care of, that they are no Trouble or Charge to the Pariſh. But then paſs to other Parts of the Kingdom, and you ſhall find Numbers a Burden both to themſelves and others.

Ways to imploy idle Perſons.

It is a Matter then that deſerves our Conſideration, What Vocations and Employments every part of the Kingdom is moſt fit and proper for; and where there is not Employment in Manufactories, if it be by the Sea, to employ them in Fiſhing or Navigation; or if they take not to either of theſe, and their own Country affords them not other Employments, that then they ſhould be remov'd to other parts of the Kingdom, by which courſe they would not remain idle at Home. And why may not this be as practicable at large, and in the whole, as at this day it is in part in ſome places of the Kingdom? as for inſtance, in the Manufactory part of *Norfolk*, where the Church-wardens and Overſeers of the Poor viſit their Neighbours Houſes, and where they find any Children above ten years of Age, not kept to ſome Trade or Employment, they take them from their Parents, and put them to ſome.

Now, if this be done to the Poor, why may it not be ſo to the Rich? I know it will be anſwer'd, That the Reaſon is not the ſame; for, ſay they, One is to prevent a charge to the Pariſh, that of the Poor, which cannot be fear'd of the other, the Rich. But there have been ſome Inſtances of that too; beſides that Gentlemens Children are often not only a charge, but alſo Enemies to the Kingdom: And, why

ſhould

ſhould not this publick Inconvenience be provided againſt, of which we have but too frequent and lamentable Examples at the Bar and the Gallows? How many hundreds in the Year are taken off by the hands of Juſtice, that might have been uſeful Members in the Kingdom, if they had been taken care of, and been thus educated in their Youth? It is a ſtrange Piece of Gentility, that looks upon it as an Invaſion upon its Privileges, if put to a Trade, and will rather ſubmit to a Halter than Indentures.

Now, where an evil Cuſtom is become hereditary and predominant, a Law is needful to cut off the Entail.

Men and Mony the Glory of a Kingdom.

The Glory of a Kingdom is Men and Mony; *England* hath, in a competent proportion, the Bleſſing of both, but might be improv'd to more than double. For at the moſt moderate Computation, it is not half peopl'd; and ſince there is ſo much wanting in number, the beſt way to ſupply that deficiency, is by Induſtry, which would not only encreaſe the Treaſure of the Kingdom, but that which is the more valuable Treaſure, Men. 'Tis a Matter as well of Experience as Lamentation, That want of Employments puts Men upon looſe and unwarrantable Actions: Idleneſs muſt be fed, and Luxury indulg'd, and Pride maintain'd, and Gentility ſupported; and when Profuſeneſs has eaten up the hereditary Subſtance, eſpecially where there was but little at firſt, as moſt commonly it is in younger Brothers, then the Padding Trade, and the genteel way of taking a Purſe, is generally the Prologue to the ſucceeding Tragedy, whoſe Scenes are as diſmal as they are common. Now, if ſuch idle Extravagants as theſe cannot maintain themſelves ſingly, without running into theſe violent courſes which end in their Deſtruction, they can much leſs provide for a Family.

Methods by which Trade ſhould be encourag'd.

And therefore, if a Statute were made, that no Child under three hundred pounds *per annum*, ſhould be admitted longer at School, than to the fifteenth year of his Age, but then, if his Parents or Guardian did not, he ſhould be put to ſome Trade or Employment; there would be leſs work for the Executioner, and more for the Cook; and probable it is, that in twenty years there would be a greater number of People than in fifty before.

'Tis not poſſible, in ſo narrow a Compaſs as this Tract, to ſet down the Methods that muſt be us'd in ſuch an Alteration as this would produce. I ſhall only anſwer two popular Objections, which ſeem to lie oppoſite to a general Reformation in that Latitude wherein I have propos'd it. The firſt is this.

How far Learning is to be encourag'd.

That if none under three hundred Pounds *per annum*, were admitted to apply themſelves to Learning, and to a ſtudy of the Liberal Sciences; this would be lookt upon as an Act of great Severity, and a very unreaſonable Limitation of ſuch whoſe natural *Genius* and Capacity might entitle them to a very great proficiency in Learning, and conſequently to very eminent Stations both in Church and State, and yet come not under any ſuch qualify'd degree of Fortune or yearly Subſtance. This, *Obj.* ſay ſome, would be a great Obſtruction and Diſcouragement to Learning, which it is as well the Ornament as Intereſt of every Nation to promote, and which we want not Inſtances of ſome great Patrons in this kind, who were Men of mean Birth, and of an inferiour Fortune in the World. To which I anſwer, that the Limi- *Anſw.* tation inſiſted upon, in the method propos'd, would occaſion no want or decay of Learning in any, much leſs in all ſorts, where there are ſo many thouſands that will come under the Qualification of having three hundred pounds *per annum*, or Mony to purchaſe it.

Again, That it would be an Act of Severity and an unreaſonable Limitation upon *Obj.* ſuch who could not come up to that Qualification, and for that reaſon be excluded from Study, notwithſtanding that their Ingenuity ſeem'd to animate them with hopes of attaining to no contemptible degree in it.

To this it may be reply'd, That if there appears much more Prejudice to the *Anſw.* Kingdom in general, by admitting of ſuch, than the Loſs will be to every particular Perſon in this Caſe; then, I preſume, a private prejudice is much more reaſonable than a publick; and ſome particular Inconveniences are to be born and conniv'd at, when the removal of them is incompatible with the common Good and general Intereſt of the State.

That the Sons of divers very ordinary Perſons have arriv'd to an eminent height of Learning and Parts, and have become very great Scholars in all kinds of Literature, is a truth too undeniable to be diſputed: and indeed, by how much they have by their Studies advanc'd themſelves from a low and deſpicable Eſtate, to an high Degree, and to an eminent Figure in the World; by ſo much are they juſtly to be

accounted the more honourable, and do accordingly deserve our greatest respect: for Honour (as the Moralists speak) is founded upon Virtue, and 'tis that alone which merits Honour. And indeed I must needs account those Men to be much the more honourable, and consequently to merit a greater share in our Esteem, who raise themselves by their own acquisitions of Virtue and Industry, from a *Plebeian* or vulgar State, to some eminent Post or Station, than those who are deriv'd from Heroical Ancestors in a long and uninterrupted Line of Succession, but basely degenerate from those Actions and virtuous Atchievements which at first ennobled the Blood of their Predecessors.

Some rare Men amongst the Vulgar.

These last seem as great a Reproach and Infamy, as the others are a Credit, both to themselves and their Progenitors. But then we must consider, that tho there may and have been some such rare Men among the Vulgar, yet there are hundreds for one which every Year produces of the same Fund, who come abroad into the World like *Pharaoh*'s Frogs, that only croak and make a noise in the Country, and not finding Preferment, either for want of Interest or Abilities, or both, become, instead of an Ornament or Help, a Disgrace and a Nuisance to the Kingdom; nay, and not seldom create publick Disturbances, and oftentimes make dangerous Concussions both in Church and State. For, who are generally the Authors of Schisms and Factions in the Church?? Who of Mutinies and Seditions in the State, but such Male-contents, whose Ignorance, or other contemptible Circumstances, debar them from any considerable share in either? And then what their Parts or virtuous Endowments cannot compass, their Malice and Inveteracy do commonly endeavour to destroy. Were it not for this, we should not see so many heterodox Professors of Divinity, so many Enthusiasms, Errors and Heresies in Religion; not so many Mountebanks, Quacks and Empericks in Physick; not so many Pettifoggers and ignorant Barreters in the Law. And to compleat these Legions, Who are the Men they call *Sharpers*, but generally such whose ignorant Parents Ambition it was to make 'em Gentlemen by educating them Beggars? for perhaps not one of ten is able to do more than to send his Son to the University, and there he must shift for himself, and oftentimes for want of a Competency to subsist upon, is forc'd to come down into the Country by the next Carrier, and spend the greatest part of his time there in Solitude and want of Conversation: and unless he can become a Philosopher by Inspiration, or by a sympathetick Influence be instructed in all the Learning of the University, at a hundred miles distance from it, 'tis a hundred to one but at the seven Years end he is become Retrograde, and has scarce so good a stock of Learning as when he commenc'd a Freshman. And is not this Man like to make a very eminent Doctor in the Church, or an able or accomplish'd Politician in the State?

Mischiefs of Idle Lives.

University Education oftentimes hurtful.

But suppose that one of these poor Men can maintain his Son in the University till he arrives to the degree of a Batchelor, or perhaps a Master of Arts; yet upon his leaving the College, he comes abroad in necessity; which oftentimes puts him upon evil and prepostrous courses, whereby to provide for himself. Now were it not infinitely more conducive to the Good of the State, to want one Man of Learning from the Mechanicks, suppose him never so excellent, than to have a hundred that prove Vermin, and are destructive, instead of one, or say a few more that may become active and serviceable Members to the Commonwealth?

Besides, there is scope enough for those of the Vulgar that are of a pregnant ingenuity, to imploy it in the finest Arts and most curious sort of Industry and Labour, wherein they may not only arrive to great eminency, but become more profitable Instruments to the good of the Kingdom, than they can hope to be by their Learning; of which we have no present prospect of any want, but may be thought to stand upon equal, if not superior Terms with any part of the Universe.

But then 'tis more than manifest, That we are so far from disputing the Priority above, that we come infinitely short of other Countries in our Mechanicks and finer Arts, which seem to be a proper Province for the middle People of this Kingdom to be ingag'd in, leaving the study of human Literature to those who are able to maintain themselves, if by an adverse Genius, or other Obstacles and Contingences they should happen to miscarry in it.

Object. The second Objection will be, That if we educate all Gentlemens Sons unto Trades, it will hinder the Nation from Martial Improvements, and so reduce it to a necessity of employing Foreigners in the greatest Places of Trust in the Army.

In answer to which we must consider, that such of the younger Brothers as are addicted to War, may be early instated in that Employment, and so may be reasonably accounted as if actually conversant in Trades; and such as shall affect the Seas, may be bred up in Navigation; of which we have Examples near home, particularly in the *French* King, who breeds up Gentlemen and others in this manner at his own Charge. *Answ.*

But it may perhaps, tho with no semblance of Reason, be urg'd, That loose and indigent Youth are in some respects needful in the Commonwealth for private Soldiers, who would be wanting if all Men were bred to Trades. But daily Experience shews, That numbers who are put out to Trades prove idle and extravagant; and of such there is a greater proportion in the Kingdom than would compose an Army.

So that if this Method were pursu'd, of putting all the Youth of the Nation upon some Employment or other, this signal Advantage would accrue from it: That whereas now Armys are supply'd out of the Vagrants and Refuse of the Kingdom, they would then be made up of a better sort of Men, tho yet so extravagant as to be impatient under sober Confinement and daily Labour. *Advantage of putting the Youth to Trade.*

By what we have hitherto discours'd and insisted upon it is sufficiently apparent, That the use of Trades and of Mechanick Arts is more commodious for the State, than the educating the poorer sort in Learning and the Sciences: And if this be plain, it cannot then be deny'd, that there is more reason to bring up those that are necessitous in Mechanical or other Occupations.

The next thing to be consider'd, are the great Advantages that will arise to the Kingdom in general, by keeping all Hands at work; and these are numerous, the principal of which are reducible to the following Heads.

First, It will in some proportion be an occasion of bringing in new Colonies, and of encreasing the number of our own. We are now supply'd from Foreign Parts with divers Commodities, which, if the Kingdom were repleniſh'd with Artizans, they would furnish us with here at home. For, pray what is it makes the *United Provinces* so full of Commodities of their own Arts and Manufactories, which they transport to all Parts of the World, but that every one there is bred to some Trade, and so forc'd to rack their Inventions to obtain a Livelyhood? And, notwithstanding that they abound with so many People as would with us be accounted a Burden, yet there is still Encouragement given out of the Publick Stock for any Foreigners or Fugitives that are Artizans to live among them. Of this we have Instances recent among our selves, of the many Hundreds that abandon'd this Kingdom, upon the Restauration of King *Charles* the Second, and had Houses free to settle in.

Now as this employing of all sorts of People would increase the Strength of the Kingdom by its Numbers; so would it also as well the Riches and Stock of it, by its Treasure (every Bee adds some Honey to the Hive) and at the same time would ease every individual Man from a great part of the Taxes which now he lies under.

It would also disburden the Kingdom from Beggars, that by their Multitudes are become the Shame and Plague of the Nation, whose Children are begot, and so bred up in the Trade of Begging, as if they were embodied into a Society, and establish'd by a Law.

Not that I design to discourage here that admirable Virtue of Alms-giving, which is certainly a most Christian and Divine Grace, when duly plac'd, and regularly and prudently dispensed, and which the Law both of God and Nature require from us; and which is not only the best way to cause God to shower down upon us his Divine Favours in an immense affluence of temporal Blessings, but also to lay up heavenly Treasures and everlasting Provisions for us in the immortally Divine State in the other World. It remains then both as our Duty and Interest, that we act agreeably to the Infallible Author's Direction in this Case, *viz. Thou shalt take care for thy Poor*; but then the Question is, how and in what manner this ought to be perform'd? for the same infallible Author also tells us, That there was no Beggar in *Israel*. *Alms-giving not discourag'd.*

And indeed tho Charity be as well the Duty as Ornament of a Christian, as has been already touch'd upon, supposing that it be dispensed in a fit and regular manner; yet on the other hand, it is a barbarous Cruelty, becoming none but the Sons of it, the Emissaries of *Rome*, to distribute Charity to common Beggars.

It

It is rather Christian Compassion to prevent it; and indeed it is no small matter of wonder, that Good men should be so often faulty in this respect, and that our Divines (with reverence to their Order I speak it) should so much preach up Charity in general, and yet seem many of them to omit the weightiest part of it, namely, the Provision for the Souls of those poor Creatures that beg for Bread to support this Life; but neither themselves nor others take thought or are sollicitous for the Life to come. If such, whose sacred Function doos immediately oblige them to the *Cure of Souls*, would (I say not all, but at least some of them) more seriously weigh and consider this Point, many of our Pulpits would not be so still and unconcern'd upon this Subject as they appear to be. By our prepostrous distributing of Charity, we seem to invert that of the Apostle, *Not many mighty*, &c. *but the poor of this world are chosen.* In this Kingdom it is quite otherwise, for we take only the same care of them that we do of Brutes to prevent their starving, but alas have too small a regard of what becomes of their Souls.

Now there can be no effectual way of doing this, but by laying a good Foundation, in taking up the younger sort and putting them to Trades; and as for the elder and decrepit, that are capable of no Employment, such to be maintain'd by the Parish, but so as to have no liberty for Begging: and the Effects of this will be, that there will hardly be any aged or decrepit Poor, most of whom are made so, either by Fraud and Design of Vagrants themselves, or by being the Children of such, and so for want of Care or Attendance are become deform'd or maim'd.

Trade prevents Famine.

It is also remarkable, that Mechanicks prevent Famine in a Nation. This at first sight will appear a Paradox, that the multiplying of Mouths that eat Corn, whose hands sow none, should yet increase Food; which Matter of Fact demonstrates the Truth of notwithstanding: for who ever saw a Famine in *Holland?* On the contrary, they who sow none, do yet supply other parts of the World with Corn, and this they effect by means of their Arts and Trade, which drives the more profitable Plough of the two, that of the Sea.

It is observ'd, that no Places are more frequently afflicted with Famine, than those Countries which are employ'd in Tillage; and the reason of this Scarcity is very plain, for if their Corn fail, they have no other way whereby to supply their Want: but it is otherwise with those who depend upon Arts and Trade, for the extent of their Harvest reaches the utmost Confines of the Christian, if not known World; and if one Place fails, they can easily have recourse to another.

Long Life a Blessing got by Labour and Art.

Again, Labour and Arts are a means to purchase to us one of the greatest Blessings of this World, Length of Days; for it both prolongs Life and prevents untimely Death. And for the proof of the first of these it is observ'd, as a Matter of common Experience, That there are more old Men who from their Infancy have been employ'd in Labour and Trades, than there are of Gentlemen; which is agreeable to what the Physicians affirm with a great deal of Reason and Truth, That the Work of the Body is not so destructive of, nor decays the Vitals so much as the Study and Labour of the Head, or the Intemperance of the Appetite, which Men who consult their Ease and sensual Complacences, are too too apt to indulge.

And in the second place, That they prevent untimely Death, is a Truth so undeniable as needs no Arguments to confirm it, every day's Experience sufficiently evincing it unto us, that when Youth are educated in the way and course of Business, their Heads are employ'd as well as their Hands; which leaves no room for vitious Plots and Designs, nor for pinching Necessity to enforce their breaking thro the Laws of God and Man, to make provision for those Lusts and Exorbitances that at last bring them to the Gibbet.

Ill Effects of Idleness as to Religion.

I now come to the last part of this Discourse, to shew the Mischiefs that attend, and 'tis reasonably to be feared, will fall upon this Kingdom for the want of a good and regular Discipline in the Manners and Lives of the People.

I will begin with those ill Effects and Consequences which Idleness produces in Religion. It is the Care of most Parents to educate their Children in some Religion or other, of whatever Shape or distinct Profession it be intituled to; for he may be reasonably accounted a Monster in Nature, and a common Enemy to Humanity, that professes the Christian Religion himself, and could patiently suffer his Child to be bred up in *Mahometism:* Yet perhaps we want not thousands who do worse than this; it being easier to convert and proselyte a Man to Christianity that believes a Deity, but is zealous in his erroneous Apprehensions of his Divine Nature and Worship, than to persuade one to embrace the Faith, who denys that prime and

receiv'd Principle of the Exiſtence of a God, and conſequently diſowns all the ſubordinate Tenets and Articles of Religion. Now alas too many there are of this kind, whoſe Parents bring them up without Trades, and conſequently having no Employment, will naturally have recourſe to thoſe which are vicious and unlawful, which the evil Spirit that acts them will be ſure not to be deficient in ſupplying them with an abundant variety of, as being conſcious of the hazard he incurs of loſing them, if he affords them leiſure for ſerious Thoughts and Reflections.

And as Men bred up to no Trade or Employment have rarely any Religion, ſo neither are they demeanable to the Laws of the Land, to which Religion is the moſt laſting and ſureſt Tie or Obligation; and ſubordinately to that Buſineſs and Employment have the next prevailing Force with them: for theſe naturally beget a Property which requires Protection and Security by the Law; whereas he that hath nothing to loſe, nor endeavours to acquire any thing but by a manifeſt Violation and Infrigement of the Laws, his ſiniſter Intereſts are ſuch as ſtrongly incline him to deſtroy them.

Incendiaries Men of no Buſineſs.

Hence it is that we frequently find, that Men of no Buſineſs are and have been the publick Diſturbers and Incendiaries of a Nation; no Plots or Rebellions are brought upon the Stage, but are manag'd and projected by this ſort of Men, who are the moſt conſiderable Party among the Actors, who take no greater Pleaſure in any thing than fiſhing in troubled Waters; by which means they not only become deſtructive to themſelves, but allure and entice others, inveigling and drawing in thoſe (that are in a way of Trade and Buſineſs) to their miſchievous and evil Practices, to the irreverſible deſtruction of many Families.

Idleneſs attended with a bad Life.

And as they thus ruin divers in their Eſtates, ſo alſo in their Lives. It is a Subject of great Grief and Lamentation, to conſider what Numbers are every Year brought to violent Deaths by the Hand of the Executioner; and yet more numerous they are by much, who deſtroy themſelves by Debauchery and Intemperance: ſo that it may be ſaid by a moderate Computation, that as the Sword of Juſtice *hath ſlain its thouſands*, ſo a complication of Diſeaſes contracted by idle and looſe Men without Employments, *have ſlain their ten thouſands.*

And to ſum up all, theſe are the Men that in the preſent Juncture of Affairs are the Plague and Peſt of the Nation, that as Locuſts ſwarm in all Places, echoing out the moſt extravagant Panegyricks upon their Defender the abdicated King; they go by the Name of *Sharpers* in *London*, and are ſo formidable a Body, that none dares oppoſe their aſſaulting any that aſſume to contradict them, in magnifying their Protector the late King: for of ſuch indeed are his Party and Adherents compos'd, whoſe Actions carry an agreeable reſemblance as well to the preſent Principles as known Practices of the Church of *Rome*; there being not any Profeſſion in the World, that allows of or connives at and indulges Idleneſs in an equal degree to the Papiſts.

For as Ignorance is the Mother of their Devotion, ſo is Idleneſs the Nurſe of it, as is obſervable in their rude and implicit Votaries in *Ireland*: in which Kingdom 'tis uſual with them, at Maſs, to make publick Collections for a Thief or Idler; but if a conſtant labouring Man, that ſpent not his Time with them in Drinking and Ideneſs, be by Misfortune reduced to Poverty, they will give nothing to ſuch a Man, but ſay, he was a Churl, that never was Good, but was always making for himſelf.

And it is to be remark'd, that there were never ſo many Stone-Weavers (as the *Dutch* call idle Men) ſeen in *England* as in the few years of the late King *James*, ſuch profligate Wretches being the apteſt Inſtruments for the Subverſion of the eſtabliſh'd Laws and Religion of the Nation, and the introduction of Popery.

It belongs not to me to aſſume the preſcribing of Laws and Methods, whereby to redreſs theſe publick Evils and Inconveniences too predominant in the State, and to prevent greater, that ſeem to be imminent over, and dangerouſly to threaten this Kingdom, by theſe infinite ſwarms of Waſps, which act the part of ſluggiſh Drones, in living upon the Labour of others, but are too induſtrious to do miſchief, and too ready to embrace every occaſion, whereby to put the whole Kingdom into a Flame and general Combuſtion.

However, there ſeems to be a poſſibility, at leaſt, to leſſen this growing Evil, and yet not by the uſual way of driving theſe *Malecontents* and bad Members out of the Nation; a Remedy worſe than the Diſeaſe, which in another Diſcourſe may be proved. But the more profitable way ſeems to take them all up, and ſuch of them as are young, to diſpoſe of to ſuch Trades and Employments as are moſt ſutable

to

to their natural *Genius* and Capacity, and to ſupply the want of Mony uſually given with Apprentices, to inlarge the time of their Service.

Idle Men are Sharpers, and live by Cheating.

For the other ſorts, which are either Gentlemens Children, or elſe ſuch as pretend to be ſo, becauſe educated to no Employments, and are become Sharpers, and live by Cheating and Gaming.

As to the firſt of theſe, there ſeems to be a commiſerating and a compaſſionate ſenſe of their Quality and Condition due from the Government; and equally to their Birth, they ſhould be prefer'd in Civil and Military Employments, which perhaps they would have long ſince taken up, but had not Mony to purchaſe: a Sin now become bare-fac'd, and ought to be univerſally exploded by all Mankind; for, 'tis the Peſtilence that walks in darkneſs, and ruins the Kingdom by a double Miſchief. Firſt, it obſtructs the Preferment of Gentlemen, and of Perſons of worth, and in conſequence to that misfortune, puts them upon leud and extravagant courſes, whereby to ſupply their preſent neceſſity: And then in the ſecond place, fills up Vacancies with ſuch Men, whoſe Gold, not Parts, entitle them thereunto.

The other ſet or ſort of Men, are the Sharpers, who by the Iniquity of the Times are become a Fraternity almoſt too great for the Civil Magiſtrate to manage or correct. I will not preſume to determine which is the greater Evil, hanging for Felony, or letting thoſe eſcape that are juſtly to be deem'd the greater Offenders; but ſure I am, that the Law is wanting to them, and may well be ſo, theſe being a Diſeaſe newly ſprung up in the Kingdom, and therefore as yet there is no Law made or provided, as a proper Antidote againſt it.

Now, for theſe Sparks who are become thus rampant amongſt us, what Remedy can be preſcrib'd more conducive to the Good of the State, than to exchange them for honeſt Men, that were taken upon their lawful Employments at Sea by the *Turks?*

This, I foreſee, will not eſcape a ſevere Cenſure: I muſt therefore beg leave to offer ſuch Reaſons as have induced me to be of this opinion; in the proſecution whereof, I perceive that it will be urg'd, that it is a juſt Law to hang Felons and Robbers. But would it not, I pray, be a milder Puniſhment to exchange ſuch Offenders, for honeſt Men that are in Slavery?

Cheats deſtructive to Government.

Again, Theſe Sharpers, that ſubſiſt by Cheating and Gaming, are more deſtructive to the Commonwealth, and conſequently occaſion the ruin of more Men in it than Thieves and Robbers can be ſaid to do. Where then lies the difference, but that the Law was made for ſuppreſſing Felons, when there was not ſuch a Vermin known as now exceed them? 'Tis plain then, that there remains nothing but a Statute to render them the greater Criminals, for otherwiſe they are already ſo in themſelves; and then ſending them to *Turkey*, would (I preſume) in all reaſon be deem'd an Act of Grace to ſave them from *Tyburn*, and that upon a double account. Firſt, in regard that it would afford time for Repentance to the one, and deliverance from Slavery to the other, by which means a Soul might be ſaved, and a Body added to the Kingdom; which, of how contemptible an account ſoever this may be reckon'd to be, yet is it certain, that the loſs of a Man is an Injury to the Commonwealth.

This is no ſelling of Chriſtians to the Turks, as ſome may at firſt view be apt to believe, but 'tis the redeeming of a Chriſtian by a dead Man; for ſo he ſhould be in the Eye of the Law, before he was ſent.

This way of proceeding would, doubtleſs, be a great occaſion of Terror and Diſcouragement to thoſe leud and profligate ſort of Men, who are become the Peſt, and if uncontrol'd, will be the Bane of the Nation, and by conſequence would be a means of preſerving many hundreds from the Gallows, and put all Men upon honeſt Courſes and induſtrious Expedients whereby to compaſs a livelihood; and to compleat all, to take off the better ſort from their extravagances, and to neceſſitate the ordinary to apply themſelves to Handicrafts, the moſt conducive Method whereby to produce two ſuch deſired effects, would be, to take away the Benefit of the Clergy, and in lieu thereof, to enjoin a piece of Mechanick Work, of ſome Trade or other, to be made by the Offender.

St. PAUL *the Tentmaker.*

A Diſcourſe ſhewing how Religion has in all Ages been promoted by the induſtrious Mechanick.

Printed about the Year 1690.

The Preface to the Reader.

THE various Conſtructions, which the enſuing Pamphlet will unavoidably meet with in the World, make it reaſonable to prepoſſeſs the Reader with a favourable opinion of its deſign, which at firſt bluſh ſeems ſo like an Enthuſiaſtick Frenzy, or an abſurd Paradox, that more than mere Candour is requir'd to think otherwiſe. This beſpeaks the neceſſity of delineating this ſhort Eſſay upon Religion and Induſtry, in its true and proper Colours, by ſhewing that altho the former of theſe, has been ſignally promoted, and encouraged by the latter, yet not to be underſtood in that Latitude, as to exclude the Grand Auxiliaries of Learned and Ingenious Men: For next to our Bleſſed Saviour, and his Holy Apoſtles, we principally owe the Propagation, and Univerſal Eſtabliſhment of Chriſtianity, to the ſucceſsful endeavours of the Holy Fathers, and Eminent Doctors of the Church. Theſe have been the chief Pillars which ſuſtain'd the Fabrick of the Goſpel in all Ages; the Grand Luminaries which have enlighten'd the dark Heathen World with the bright and penetrating Rays of the Religion of the Holy Jeſus; the burning and ſhining Lights, which like ſo many Chryſtalline Lamps appear'd the moſt illuſtriouſly, in the midſt of divers intricate and obſcure Hereſies, unwarrantable Schiſms, perverſe Heterodoxies, and erroneous Principles. Theſe Learned and Holy Men have planted and watered, cultivated and improved the Chriſtian Religion; to which the co-operating Grace of God has mercifully vouchſafed ſo Miraculous an increaſe, as in ſome Nations, as well as individual Perſons, to bring forth an hundred fold, in ſome ſixty, and in ſome thirty. To theſe, ſubordinately to the Gracious Influences of Divine Providence, we owe the bleſſed effects of thoſe ſucceſsful and peculiar Offices of the Prieſthood, which by that holy Channel, or Conveyance, have been deriv'd to us thro the preaching of the Word, adminiſtring of the Bleſſed Sacraments, comforting and admoniſhing of the ſick, eaſing and disburdening of troubled Conſciences, with other Acts of their Sacred Miniſtration. And what I have here ſaid of the Divine and Peculiar Excellency of the Miniſtry in general, I deſire may be alſo ſo interpreted of the Governours, and ſubordinate Spiritual Paſtors of our Church in particular, whoſe admirable Conſtitution, both in Doctrine and Diſcipline, is juſtly to be accounted ſuperior to any in the whole Chriſtian World. This being premiſed of the ſingular and worthily dignify'd State of the Clergy, in the next place, I think fit to add, that tho I have repreſented Induſtrious and Mechanick Perſons as very inſtrumental in the diſſeminating, and advancement of Religion; yet would I have them underſtood, but as the Sons of Abinadab, *as ſo many* Uzza's, *and* Ahio's, *fit only to drive the Cart but not to touch the Ark on which it ſtands, and conſequently not to invade any part of the Sacerdotal Function, which would inflict a Puniſhment upon them, as it did upon* Uzza, *or upon thoſe more notorious Uſurpers of the Sacred Miniſtry,* Korah, Dathan, *and* Abiram, *who for their Rebellion againſt, or rather intruſion upon the Peculiar Divine Offices of* Moſes *and* Aaron, *which they would have proſtituted to vulgar and common uſe, were ſwallowed up of the Earth, with their Houſes, and all the Men that appertain'd unto them.*

The Deſign of the Diſcourſe is not to encourage Enthuſiaſm.

Good of private Pious Converſation.

But without Men of Secular Employments invading the Prieſthood, there ſeems a proper Province for them wherein to act, whereby they may abundantly promote Chriſtianity, which I have ſhewn in the following Diſcourſe, conſiſting in domeſtick and private Converſe and Inſtruction; in which capacity Men of Labour and Induſtry both have, and may be very uſeful, by removing Ignorances in, and Prejudices againſt Religion, and by conſequence in Mens attaining to ſome progreſs in the excellent Doctrine of Chriſt, and his moſt Holy Apoſtles. And if in any place of the following ſheets, I ſeem to aſcribe too much to the performances of Mechanick Men in this Caſe, whereby I may be thought to derogate any thing from that Veneration which is juſtly attributed to thoſe of the Honourable Tribe of Levi: *I deſire the Reader ſo to interpret this Diſcourſe, as that in the whole tenor of it is tacitly imply'd a profound acknowledgment of their laudable Endeavors, in preference to the other. But this being conſider'd, I cannot ſee how Labour and Induſtry could be more forcibly recommended in this Lazy and Degenerate Age, than by demonſtrating its even natural tendency to the Propagation and Improvement of Religion. For that having entail'd upon it an Eternal Good, which all Mankind do naturally deſire to participate of, and Labour and Induſtry being ſhewn to be uſeful Expedients conducing thereunto, muſt needs be embrac'd upon their offering ſo advantageous a proſpect, eſpecially when they not only ſecure to us a future, but alſo a preſent Temporal Intereſt. That we are viſibly declin'd from that active and laborious frame and diſpoſition, which made us at once the Envy and Glory of* Europe, *into all the effeminate Arts of Eaſe, Luxury and Sloth, which have ſunk us almoſt to the loweſt degree of an Univerſal Contempt with other Nations, is a matter of as much truth as lamentation.*

Trade and Induſtry to be encourag'd.

In a former Diſcourſe concerning Mechanick Induſtry, I propoſed ſome Methods, whereby to revive our declining reputation as to matter of Trade and Laborious Arts, which I evinced to be highly commodious in reſpect of our Temporal Profit, and the improvement of the Commonwealth. I have now attempted in this ſmall Tract to make out, that the ſame is alſo very conſiderable upon the account of our everlaſting and irreverſible Eſtate in the other World, by ſhewing the mighty Power and Efficacy of Buſineſs towards the incouraging and farthering of Religion. And now I cannot imagine any thing in the World that can more awaken Men out of that Lethargick Drowſineſs and Sloth, which this Nation ſeems ſo deeply involved under, than are one or both of theſe Arguments. Such as have a regard to their Secular Advantage, muſt (if they act conſiſtently with their deſign) be Laborious and Induſtrious; and thoſe who would purchaſe a laſting and perpetual Peace, and immortality of Bliſs to their Souls, muſt diligently purſue their lawful Callings, and reſpective Employments in this Life. This (I know) will ſeem myſterious and unaccountable to thoſe, who account Buſineſs the greateſt Obſtacle to Religion: but I hope, I have ſhewn the contrary, when 'tis regularly and prudently managed.

And now, if this weak Piece, brought forth in haſt, without the Midwifery of Books, or other Learned helps, may conduce any thing to the retrieving of Labour and Induſtry amongſt us, and to the ſuppreſſing of Idleneſs and Sloth, and conſequently of thoſe Vices which eſſentially flow, and are deriv'd from thence; the Author will have reach'd his primary and utmoſt intention in it, and has reaſon to expect, that a glowing and conſcientious Zeal for the advancement of Religion, added to his endeavoring the improvement of his Native Country, both which he beheld ſunk to ſo low and ſordid an Ebb (the main inducements which prompted him to this undertaking) will with the Candid and Judicious Reader meet with ſo much Charity and good Nature, as to allow a requiſite proportion of each towards a ſupply of its great, and in rigorous Juſtice, unpardonable Imperfections.

A Diſcourſe, &c.

THE Title of this Pamphlet tacitly implores the aſſiſtance of that it ſeems to leſſen and cry down, whereby to explain its meaning: And in regard that the Author profeſſes to bear a vaſt Veneration for Learned and Ingenious Men, and conſequently to be a great Admirer of humane Literature, and the Sciences; an Invaſion upon their juſt Rights and Prerogatives in this Diſcourſe, might juſtly be interpreted a *Felo de ſe:* and therefore to take off that imputation, he prays the Reader to underſtand his deſign, in a brief Expoſition of it in the following words, (*viz.*) That from the firſt ſteps of Chriſtianity to this day, nothing more promoted the true practice of Religion than Induſtry, and Employments in buſineſs of this World.

Religion promoted by Buſineſs and Induſtry.

This at firſt view of it, looks as an apparent Soleciſm, or an egregious Contradiction to the generally receiv'd Doctrine or Opinion of moſt Men, who explode Men of Buſineſs, and Secular Employments, as deeply immerſed in, and even eaten up with the Cares, and Riches, and Intanglements of this Life. But in the Sequel of this Diſcourſe, I ſhall endeavor to evince the contrary, by aſſerting the Truth of the Propoſition already laid down, upon which I will erect ſome Arguments whereby to demonſtrate the equal neceſſity of it, as to the enforcing of Employments in Temporal Concerns, as well as to the reſtraining an immoderate uſe of them, in relation to our Spiritual and more ſublime Condition.

In purſuance of which deſign, I will look back to the firſt Dawnings of Chriſtianity, or Morning-light of the Goſpel; in reference whereunto, not to urge any thing in contradiction to the opinion of our Divines, as not deſiring to deviate from a due reſpect to them, I ſhall not preſume to alledg any thing againſt thoſe Reaſons which they give, why our Bleſſed Saviour made choice of the Family of a Mechanick, whenas the Line of *David* abounded with ſuch variety of Perſons of more eminent Quality and Extraction, as well as of nobler Employments in the World. The only uſe that I ſhall make of that Obſervation, will be, to deduce the one, or both of theſe Inferences from it: That either our Bleſſed Saviour pitched upon this, whereby to evidence unto the World the Divine Pleaſure of his Heavenly Father, in reſpecting Men of Labour in preference to ſuch as devote themſelves to their own eaſe, and live at the coſt of other Men, by eating of the Fruits of their Pains and Toil; or elſe, that the poorer ſort of the Tribe and Family of *David* were educated to Mechanick Arts. This in the ſecond place,

I think it rational to infer from the premiſed Obſervation, becauſe the Holy Prophets in the Old Teſtament declar'd it to be the determinate Will of God; and their Predictions concerning the manner of his appearance in this lower World, did all centre and concur in this, that our Saviour ſhould come in the meaneſt Condition, and loweſt Eſtate of Mankind. From whence it follows, that either of theſe Inſtances, or both, do virtually imply, or rather formally prove, that Chriſtianity from its original appearance, or uſhering into the World, was attended by Mechanicks.

And to demonſtrate that both in the order of Nature and Providence, Trade and Buſineſs muſt be antecedent to, and in the true acceptation of the word, prevent our Spiritual Progreſs, and that we muſt be Labourers in our own Vineyards, before we can be ſo in that of our Saviour's; 'tis very remarkable, that we find him a Carpenter before he was a Preacher. For altho his Divinity like the Beams of the Sun out of a thick Cloud, ſhone with ſo ſtrong an Influence, as to irradiate and break thro his Infant Humanity, when in the Temple he ſo ſtrongly argu'd and diſputed with the Learned Rabbies and Doctors of the Law; yet afterwards the Scriptures are ſilent as to an account of him for many Years: In which interval from the twelfth Year of his Age (for in that Minority, we are aſſured it was that he puzzl'd and non-plus'd the moſt Learned among the *Jews*) to his thirtieth, (the time of his Solemn Inauguration into his Prieſtly Office) many Learned Men ſuppoſe him to have

The ſame illuſtrated in ſeveral Inſtances.

have apply'd himself to the Trade of *Joseph*, whom the Incredulous and Obstinate *Jews* look'd upon as his Father; and maliciously to lessen the greatness of the Miracles which he wrought, endeavour'd what in them lay (by vile Reflections upon his supposed Birth, Parentage, and Education) to derogate from their true and supernatural worth, and so were wont to reproach him with these Queries, Is not this *Joseph*'s Son? intimating his suppos'd Original: And in another place, Is not this the Carpenter? by way of contempt of his Vulgar Occupation and Employment.

But now that he hath assum'd his Sacerdotal Function, let us follow him in the actual discharge of it; in his entrance whereupon, we find that he selected some particular Persons as his Disciples and Followers. Who these were, of what distinct Callings and Vocations, and how employ'd, cannot be unknown to any who are but in the least conversant in the Divine Oracles of the Gospel. I know it *Objection.* will be here objected, that his choice of such Persons that were of ordinary and Mechanick Employments, was on purpose to manifest his Divinity, and to convince both the *Jews* and *Gentiles*, that he was the Christ, by capacitating such mean and illiterate Men to become the miraculous Instruments of preaching and propagating of his Doctrine, by many supernatural Signs and Wonders, and that to all Nations, in their respective Tongues and Languages.

Solution. To which I answer, That allowing all this, which I know to be the receiv'd Opinion of Divines, it does not therefore follow, but that our Blessed Saviour might have made his being the true *Messiah*, still more eminent and conspicuous, in calling of a Rank and Order of Men yet inferiour to these, as low and contemptible as they were; and these might have been Beggars who had no Employment: but we find that our Saviour passes by such, and calls Men from their Occupations; which seems to be a plain Argument, that as Labor was an appendant Curse, or penal Imposition, consequent to the wilful Apostacy of the first *Adam*, so it was only sanctify'd, not removed or taken away by the Second. For that Judgment pronounc'd by God to *Adam* upon the occasion of his Fall, was to the end of the World irreversible and perpetual, and consequently a standing Mark and Memorial of his laps'd condition to all successive Generations of Mankind, namely, *In the Sweat of thy Face shalt thou eat Bread.*

Ridiculous Practice of the Church of Rome. Among those numerous, and ridiculous Absurdities, which are but too evident in the Church of *Rome*, a Monastick, or recluse Life of Idlers seems not the most inconsiderable. And whatever may be said as to the antient Custom of a private recess, or solitary retirement from the World, in order to a more close pursuit of their Devotions and spiritual Exercises of Religion, which the Cares and Pleasures, the Hurry and Disturbances of this Life, are but too apt to cross and oppose; tho perhaps those who are capable of a regular government of their Affections and Passions, so as in due measure and proportion to make the Affairs of this World subordinate to those of Religion, may by their publick Examples of Virtue and Industry, be more instrumental both to the Temporal and Eternal Welfare of a Community of People, than such can be expected to be who shut themselves up in a Cloyster, tho they should live up to the rigor of their Order, and its first Institution: Yet I suppose the case very distant and remote to this, when it relates to those formal and hypocritical Zealots of the Romish Church, who tho by their seeming Austerities, and outward Mortifications in Religion, they artfully improve the opinion of their blind and superstitious Votaries, that they are of the first Class in Christianity, yet their apparent indulging of themselves in Idleness and Luxury, in Sensuality and Voluptuousness, and many of them in those notorious Sins of Drunkenness and Uncleanness, tho committed with great Secrecy, to prevent discovery to the Eye of the World, are all of them undoubted Characteristicks, not only of their opposing the Doctrine of our Saviour, but even that of their own Institution, into what Corruption soever 'tis now degenerated. Thus those who aspire to the highest Room in Religion, or at least pretend to it, act diametrically contrary to the Blessed and Virtuous Example of that great Lord and Master, whom they would induce Men to believe, that they are desirous to follow, but who never instituted a Society of Gentlemen, or Beggars to live in Idleness, and in all vitious and unlawful excess. And we never read, that he went about receiving (as those of Mendicant Orders do) but always doing good. We need therefore no farther assurance of the error and falshood of that Religion, whose Godliness is Gain; from such we ought to withdraw our selves, as not having so learned Christ. And by these Marks and Characters, we may easily discern it to be that professed in the present Church, or rather Court of *Rome*.

But

But to return to our Saviour's pitching upon Men of a vulgar and inferiour Rank, and mean Employments in the World, to be his Diſciples and Succeſſors; let us after this choice purſue them in their Practices, and we ſhall find that this eſpecial Invitation of our Saviour to the Execution of the Sacred Office of a Diſciple, or Follower of the Holy Jeſus, did not ſuperſede their former Occupations, nor their heavenly Employment give a Diſpenſation to, or take them off from their temporal. And tho it might have been reaſonably imagin'd, that Chriſt's extraordinary Promiſe to *Peter* when he was fiſhing, *That he would make him a Fiſher of Men*, ſeem'd ſo ample a Commiſſion for exerciſing himſelf altogether in the Divine Offices of the Converſion and Salvation of Mankind, as to give a plenary Diſcharge from his former mean Employment, yet by the conſequence we may underſtand, that this was none of our Saviour's Intention. For after this, we find St. *Peter* at his Trade; and 'tis obſervable, that the firſt Miracle, or rather (I may ſay) that which was ſolely wrought by Chriſt after his Reſurrection, was giving a temporal Bleſſing to their Labour, which ſeems to amount almoſt to a demonſtration, that of ſuch induſtrious Perſons were the Kingdom of Heaven.

Apoſtles had Trades and Employments.

And to me it ſeems an aggravating Circumſtance of that great Curſe that attended the fallen Angels, that they were now no longer in a Capacity of praiſing or magnifying God: And as to Obedience to his Commands, they had already ſhewn an obſtinate refuſal. From this infamous Original, our idle Gentlemen, that contemn Employments, may derive the Antiquity of their Families; and indeed too many of them are the Legitimate Offspring of that degenerated Stock, who having wound himſelf into that evil Employment of tempting *Eve*, has ever ſince been extreme active in doing Miſchief; whoſe bad Example ſuch Perſons amongſt us do too induſtriouſly imitate and tranſcribe, who wholly devote themſelves to Pleaſure and Licentiouſneſs. For the Principles of human Nature being capable of, or rather eſſentially ſubject to Action and continual Motion, it is therefore impoſſible for a Man to poize himſelf ſo equally in the World, as neither to do Good nor Evil. 'Tis true indeed that the Body may be ſo confin'd, or by Reaſon ſubjected to ſomething of a Neutrality in this caſe, or more properly may be reſtrain'd within ſuch bounds of Moderation, as not to make any great Excurſions into an extreme: but the Thoughts of the Heart being of a more ſubtile and active quality, are not capable of ſuch a Limitation, but operating by a certain Independency or arbitrary Influence, muſt either be employ'd upon good Objects to divert them from bad, or elſe for want of the former they have a natural Recourſe and Tendency unto the latter, and by this means do oftentimes move their Inſtrument the Body by ſuch ſtrong Impreſſions, as to encline it to the reducing of them into Act; for which reaſon it is, we are told, that from the thoughts of the Heart proceed Murders, Adulteries, *&c.*

Idleneſs a great Miſchief.

Now, ſince 'tis impoſſible to chain up Thoughts (which are a kind of ſpirituous Extract, or quinteſſential part of the Soul, proceeding from it like the Beams from the Sun, and acting the Body by a parallel Influence with the Rays of that grand Luminary, when it extends them to this lower World) it ſeems then to be the reaſon why our Saviour ſo encourag'd Labour and Employments, that by means thereof we may ſo keep our Thoughts in action, as not to ſuffer them to ramble upon other Objects than thoſe of our lawful Callings, and ſo may check the violent Intruſion of vitious Thoughts with that of an antient *Father*, viz. *that we are not at Leiſure.*

How Thoughts are imployed.

Thoughts are the Inſtruments of the Soul, and ſhould not be admitted into vulgar heads, no more than a Knife into the Hand of a Child; and ſince there is no way to limit or confine them in themſelves, the beſt expedient is to give them a powerful Diverſion, by meeting and entertaining them with ſuch Objects as are conducible thereunto: which to proportion agreeably to the different Sorts and Capacities of Men in the World, would be to employ the Populace with Mechanick Labour, and the finer and more ſpeculative Heads with Arts and Sciences, that ſo there might be no Set of Men, as now there is, govern'd by the unruly Dictates of evil Thoughts.

By a ſerious Reflection upon this firſt Paragraph, it is obvious to every Man, that the Choice and Practice of our Saviour in the Introduction of Chriſtianity, was directed to the Encouragement of Labour and Induſtry, and that the Grace of God was given to ſuch Servants as employ'd their temporal Talent.

Let us now in the next place enquire into the Behaviour and Practice of the Apoſtles after our Bleſſed Lord's Aſcenſion. And if any may expect or challenge an Immunity from the Labor of the Hands, we may ſuppoſe it to be theſe Men who were pecu-

Practice of the Apoſtles.

peculiarly commiſſion'd, and ſo miraculouſly endow'd with ſuch Power, and ſo great a proportion of the Divine Spirit for the Promulgation of the Goſpel, as ſeem'd to make that of their Miniſtry the only Province wherein they were to act. Add to this, that they were commanded to preach the Goſpel to all Nations; and that continually in their Travels theſe Holy Men wrought Miracles, cur'd Diſeaſes, and converted three thouſand at a Sermon, among whom it is reaſonable to believe, that there were not a few, both able and willing enough to relieve the famous Inſtruments of their Salvation: yet for all this, we find that they wrought with their own Hands; and notwithſtanding that many of the Saints ſold what they had, and laid it at the Apoſtles Feet, yet did they not convert it to their own uſe, but diſpers'd it among the poor Brethren, not to maintain them in Idleneſs and Sloth, but to put them into a Capacity of obtaining their own Living: and this Charity was not diſpens'd by the uſual Method of this Age, by a Penny at the Door, to preſerve Vermin in the Street; for ſuch are the common Vagrant Beggars, that both the Law of God, and that of the Land, not only forbid our relieving, but enjoyn Puniſhment too; yet ſuch is the prevalency of Cuſtom with ſome, and of vain Glory and Oſtentation in others, as induce too many to violate both.

But to return to the Apoſtles working with their own Hands, I do not hence infer, that there was any neceſſity for them ſo to do: For St. *Paul* has told us, that if they ſow'd ſpiritual things, they may well reap carnal things, and that the Ox is not to be muzled that treadeth out the Corn; with Variety of other places to this purpoſe, which enforce a Due to the Apoſtles, and to others that ſucceed them in their Miniſtry; and conſequently that our preſent Clergy have a right of receiving *Tithes*, neither are under any Obligation of working with their Hands, as I have ſhewn that the Apoſtles were not. For St. *Paul* (notwithſtanding that he did ſo) told the *Theſſalonians*, that he might have liv'd on his Miniſtry; yet he and the other Apoſtles choſe rather to work with their own Hands night and day; and he gives this reaſon for it (which is what I would infer from, and principally aim at in this Diſcourſe) that he might be an Example to them of, and thereby promote Labour and Induſtry. He tells them therefore by way of Repetition, what his Doctrine was then among them, that they ſhould work with their own Hands, and ſtudy to be quiet; as if Idleneſs tended to create Diſcords and Animoſities among them, fomented by ſuch as had nothing elſe to do, and whoſe Sloth had ſo impair'd their Fortunes, as ſeem'd to put them upon a Neceſſity of retrieving themſelves, by raiſing Diſturbances and Confuſions in the Country: and that on the contrary, a diligent purſuit of their reſpective Vocations and Callings, was the beſt means of begetting Peace and Unanimity with one another. And farther, enjoyns a Puniſhment to ſuch as did not labour, by ordaining that they ſhould not eat; which not eating ſeems (with ſubmiſſion to better Judgments) to mean a prohibition from the Lord's Table, which looks like the true, tho contrary to the vulgar Acceptation: And my reaſon for this Opinion is,

St. Paul's Practice.

First, That it ſeems not practicable that the Church in the days of the Apoſtles, who had no temporal Authority, could take away the means of Mens temporal Support: nor do we ever read, that any Chriſtian Church (but that of *Rome*) impos'd pecuniary Puniſhments for Sins.

Idleneſs condemn'd by the Apoſtle.

Another reaſon is deduc'd from the following Verſes of the Chapter, where the Apoſtle ſeems to explain himſelf; *For* (ſaith he) *I hear there are ſome among you that work not at all: Now ſuch* (ſaith he) *let them work, and eat their own Bread.* The former it ſeems were not quite idle, but only faulty in part, and therefore were to be reſtrain'd, whilſt they continu'd ſo, from the Lord's Table: but the latter were totally guilty, and muſt firſt be reform'd by eating of their own Bread; that is, by the purchaſe of their Labour, before they could be admitted into the Communion of the Church.

From what we have already premis'd, both as to the Doctrine, exemplary Practice, and ſtrict Injunctions of the Apoſtles, it appears ſufficiently plain, that each of theſe reſpectively, as well as all of them, did jointly tend to a reducing of Men from Idleneſs, being look'd upon by them as the firſt introductory ſtep of their Converſion to the Chriſtian Religion. The Door is ſhut, and no entrance is admitted to the evil Spirit, where Men are buſied in juſt and lawful Employments: whereas indeed Idleneſs is the Source and Inlet to all manner of Vice, and the Devil will certainly be moſt active when he finds Men at leiſure to receive his Impreſſions. He will then ſhoot his poiſonous Arrows, when the Mark ſtands ſo fair, and Men for want of buſineſs ſeem prepar'd for his wicked Influences and Suggeſtions. Experience has fully

fully inſtructed him how to improve all Opportunities; and it would reflect upon his Art and Policy, not to make an Attack when the Gariſon is in ſuch a Lethargy that it cannot be rous'd up to any vigorous Oppoſition. Beſides, we muſt conſider that Idleneſs does not only leave room for the Temptations of the common Enemy of Mankind, to operate ſucceſsfully upon us; but it alſo raiſes a Storm within our own Breaſts, by naturally encreaſing unlawful Luſts, and vile Concupiſcences, which like combuſtible matter meeting with the fuel of outward Allurements, which Satan skilfully accommodates to the evil Genius of our vitious and deprav'd Affections, muſt needs reſolve into a Flame. Whereas Labour and Induſtry do not only put a ſtop to Temptations, by not affording leiſure to our Thoughts to dwell and ruminate upon them; but alſo are a good expedient to keep the Body in a due ſubjection to an even and regular *decorum*, and conſequently to the ſubduing of extravagant and ſinful deſires. Therefore Men that are buſily imploy'd upon their lawful occaſions, are like Conjurers, ſecure within their Circle, both from the Snares and Inſinuations of the Tempter, as well as from thoſe of their own Luſts; both which an idle Perſon is conſtantly expos'd to.

Induſtrious Men ſeldom poſſeſſed.

It is very remarkable, that we do not in all the Scriptures read of any poſſeſſed with Devils, that were Men of Employment.

The *Gadarenes* were an Induſtrious People; perhaps had there been many Idlers, the Legion had not crouded into one Man; and when our Saviour turn'd them out, they made it not their requeſt to enter into the Herdſman that kept the Swine, tho as near to them as the Herd: for that poor Wretch was upon his lawful Employment, which was an Antidote and Counter-charm againſt the entrance of theſe evil Spirits into him.

'Tis matter of Lamentation to conſider, that in an Age wherein the Sins of *Sodom* abound with ſo great predominancy, there ſhould be ſo few Lots to preach againſt that remarkable one of Idleneſs. Some will be apt to draw this inference from that Omiſſion, that many of our Divines ſay with *Lot* concerning *Zoar*, Is it not a little one? a Gentleman's Privilege, and ſo not to be invaded? A Birth-right indeed to the Poſterity of *Eſau*, who we find had that Quality inherent to a Gentleman in the preſent Age, which ſtill, to continue the Parallel, was in uſe, a good Hunter: but we find that the Sons of *Jacob* were better employ'd, in imitation of the Patriarch their Father, who was a plain Man, but a good Shepherd.

Idleneſs not ſufficiently reprov'd.

Indeed it ſeems very unaccountable, that ſome Pulpits are full of Reproofs againſt the Off-ſpring, and yet ſilent as to the Parent of all Sin, which is Idleneſs. Whereas, if what the Logicians affirm be true, that *Sublatâ cauſâ, tollitur effectus:* It ſeems the beſt method to pull down Vice, by beginning at the Root of it, which being deſtroy'd, no more nouriſhment can be imparted to the Branches. Now 'tis plain, that Idleneſs is the Foundation, and that other Sins which naturally ariſe from it, are but the Superſtructures of Impiety. 'Tis that which is the Origin and Fountain of all manner of Wickedneſs, and other Sins are but the Streams which flow from it: and if we would ſtop or divert the Current, we muſt apply our ſelves to Labor and Induſtry, which however great Men ſeem to claim a certain Diſpenſation or Immunity from, and think themſelves free and at looſe for their Pleaſures, yet we meet with no ſuch exemption for them, either in Sacred or Modern Authors; but contrary to that, ſuch have been always ſtigmatized with the ignominious Characters of Effeminacy and Luxury, who addicted themſelves to Sloth and Voluptuouſneſs; and others dignify'd with the higheſt Panegyricks, and utmoſt efforts of Human Praiſes, who were painful and induſtrious. As for example, what a Reflection was it upon the Greatneſs and Wiſdom of *Solomon*, to give himſelf ſuch a licentious freedom in all thoſe Luſts and Pleaſures which he afterwards pronounc'd to be Vanity of Vanities, and Vexation of Spirit? And after making an experiment of their inſufficiency, recommends the ſtudy of Virtue and Induſtry, as the only true Wiſdom. On the contrary, how much did it redound to the infinite Commendation of St. *Paul*, ſo eminent an Apoſtle and ſo Learned a Doctor, bred up at the feet of *Gamaliel*, and commiſſioned to preach the Goſpel to the remoteſt and utmoſt parts of the Univerſe, to work with his own hands, when there was neither any obligation nor neceſſity for him ſo to do? What Honourable Titles are given to great Perſonages, *Alexander*, *Cæſar*, and *Hannibal*, *Scipio*, and *Epaminondas*, and ſeveral other *Grecian* and *Roman* Worthies, who were fam'd for their great and induſtrious Atchievements? On the other hand, with what Infamy and Contempt do we mention the Names of *Vitellius* and *Heliogabalus*, with abundance more of thoſe Bestial Monſters, who ſat at the Helm of the *Roman* Monarchy? What a different

Character

Labour and Industry encourag'd amongst the Romans.

Character do the Historians give us of *Pompey* and *Lucullus*, of *Augustus Cæsar* and Mark *Anthony?* And how far do we find these to have outstript the other in all their Actions, improving their high Fame by Assiduity and Labour, and the others every day more and more eclipsing the Beauty of that Reputation which they had got in the World, by a servile Degeneracy into Effeminacy and Luxury. It were highly to be wished, that our Gallants of the Age would from these and the like Precedents consider, that the way to immortalize their Names to Posterity, and to render them serviceable in the State or Commonwealth wherein they live, is by applying themselves to such Arts and Exercises of Industry, as may be sutable to their respective Educations and Capacities, and not to think themselves disengaged from all business, because their Birth or Parts seat them above the Rank and Order of mean Employments: For all-wise Providence has compos'd all things in this World by so exact an harmony, as to make every part of it capable of discharging its incumbent Office, by a due and regular proportion. So that as in the Microcosm, or little World of Man, every distinct Member is intitl'd to its proper Function, which it is oblig'd to perform, tho some more honourably than others; so in a Body Politick every individual Person stands bound to acquit himself of that Employment in the State, which God and Nature, his own Education, and the Appointment of his Superiors has render'd him capable of: otherwise, if none were oblig'd to Business, but such whose Necessities and Vulgar Extraction enforc'd to it, whereby to obtain a Livelihood, the whole burden of the Commonwealth must lie upon the Shoulders of the Populace; and then a wise Government might well be expected, when Employments of the highest dignity and moment were committed to the management of such *Plebeian Heads*, whose illiterate Breeding would make them wholly unapt for such Undertakings. And yet this consequence must needs be entail'd upon that erroneous Opinion which too many Gentlemen by their present Practices seem to maintain; namely, That a competent Estate disobliges them from Business, and by consequence gives them an unlimited freedom of pursuing their Pleasures at random; notwithstanding that we find that both now and in former Ages (as has been hinted already) Men of Action were those who entitul'd themselves to any Credit or Reputation in the World. And altho such as indeavour to do so now, proceed by Slaughters, and enslaving Kingdoms; yet when the World was less vitious, and Men of more sedate and less turbulent Dispositions, the greatest Heroes wore the Laurels of Arts and Industry; and Nations not only gave up themselves, but even their Names to be honoured with that of their Instructors, as the *Oenotrians* from *Italus* to be called *Italians*, after he had taught them the Art of Husbandry. Nay, the great veneration and esteem which they had for such, abounded to that excess, till at last they ador'd those as Gods, that put them upon Arts and Labour. But I must beg pardon for this Digression from my first design of proving, that Arts and Labour reform'd these Heathens to Christianity, as Labour did first from Bestiality to Humanity.

In the prosecution of this Discourse we have already passed through the Lives of our Blessed Saviour, and of his Holy Apostles; in the course whereof we find the agreeableness of their own Practice with that of their Doctrine, *working with their own hands*, as already mention'd, and so far from receiving any thing of their Converts, tho they told them they might lawfully have done it, that even we find St. *Paul* discharging a Debt of a Convert due from him to his Master, that was also one of the same Apostle's Followers, likewise promising that the Servant should for the future be more profitable.

Religion and Business are not to interfere.

And in this place we may fitly observe the great Caution used by the Apostle, not to let Religion interfere with secular Business, but as it were made the better, the *greater give place to the lesser*, that so no Man should pretend an occasion of lessening his Labour and Industry upon the account of Religion. To illustrate this to you, we must believe, that this *Onesimus* was a Mechanick, and upon that account profitable to his Master. The Apostle we find wanted a Servant, being (as he soon after calls himself) *Paul the Aged*; and may reasonably be thought would not have been denied him if desir'd: but 'tis plain, that he would give no such Example of Mens deserting their Temporal to espouse the Spiritual Calling; they were by the God they worshipped *joined together*, and therefore *no Man* was to *put them asunder*.

But now that we have taken this prospect of what both the Apostle's Preaching and Practice was in this case, let us in the next place see what Approbation and Encomiums were given to such as pursued both their Doctrine and Example in this

particular, and with it enquire what other Qualities and Endowments are commended in Holy Writ.

Commendation given to Persons of Industry.

And in order to this I think it not amiss to observe, that in all the Apostles Writings, a greater Character is not given to any of their Converts, than to the Industry of a Woman, of which to shew God's great Acceptance and Encouragement, a Miracle was wrought to bring her back, that so she might excite others to that Labour, of which she was in her own Person so exemplary and remarkable an Instance. That she was a Woman of great Piety, is beyond all doubt; and had she been so in these days, her best Friends would have thought it her highest Encomium, to have enumerated her Hours and Days of Devotion, and to have left out her Works of Labour and worldly Employment: but we see that the Holy Spirit thought fit to do otherwise, by being silent as to the former, but giving us an ample account of the latter; which tacitly interprets unto us, That Religion affords no Sanctuary, or is any shelter for Idleness and Sloth to repair to, but on the contrary, is the greatest Tie and Obligation to Business that can be imposed upon humane Nature. This may look like a Paradox to some, who measure the Duty of a Christian by the frequency of Acts of Devotion, either publickly in the Church, or privately in the Closet; that considering both the Doctrine of Christ and of his Apostles to be chiefly levelled at the advancement of Religion, and the debasing of our secular Interests, thence infer, That they can never too zealously adhere to the former, or too much relinquish and abandon the latter.

But it is to be consider'd, that our Saviour and his Apostles well understood the remisness, or rather averseness of our Natures to acts of Divine Worship, and therefore accounted it more necessary to press their due observance, than that of our temporal Advantage, to which our deprav'd Dispositions did but too violently hurry and transport us; otherwise, unless we will own that they contradict themselves (a Supposition as irrational as 'tis odious to a Christian) we cannot but acknowledg, that Christianity carries no inconsistence with the pursuit of our lawful Callings: That Religion and Business are not incompatible, but that as we are oblig'd to serve God in our Devotions, so to provide for our Selves and Families in our worldly Transactions; an omission whereof is by the Apostle accounted, not an advancing but a degrading of Christianity below that of absolute Gentilism. And the Apostle's reasoning in this case is both plain and excellent, if we consider that not only the Law of Nature in its first Institution, did unalterably bind all Mankind to such acts of Industry as might tend to a preservation of themselves, their Families and Posterities; but even the corrupt Principles of it in the degenerate Heathens, wrought with so strong an Influence, as to conclude themselves bound to labour upon the same account.

Christianity improves Nature and Morality.

Now if our Saviour's coming into the World was not to destroy, but to correct the Errors and Corruptions crept into that Law by the depraved Lusts and Interests of Men, which had strangely byas'd and perverted its original Rectitude and Design; and not only to reduce it to its former streightness, but to improve every Part and Principle of it to an higher Perfection than it was capable of before; it must needs follow, That by so much we are the more oblig'd to Industry by the Law of Christ, by how much its Enforcement thereunto exceeds that of Nature.

Again, Christianity has adopted those things, which Men formerly stiled *Acts of Nature and Morality*, into the number of such as are religious: by which it comes to pass, that Men as really serve God in their Callings, as in their constant and immediate attendance upon Divine Worship. He that has commanded us to pray, to hear the Word, to receive the blessed Sacrament, and to perform other Offices of Devotion, has also bid us to work with our Hands, to be industrious in our several Stations, to follow the Business of our Callings, and the like; and in obedience to the latter of these Precepts, we worship and adore the Divine Majesty, as really as in the former: Nay, without these, the other are of small use or advantage unto us, are not very, if at all, acceptable to the Throne of Grace, nor derive to us any considerable Blessings from thence. On the contrary, this pulling down with one hand what we set up by another, this Extremity in Religion to the neglect of our proper and lawful Business, obstructs the Divine Favours, and will make all our Toil in Religion turn to no good Account: And the Reason is, because we endeavour to storm Heaven, in a way contrary to the revealed Will of God; strive to be religious by committing of a Crime, and in truth do Evil that Good may come of it. I speak not this to discourage Men from making all the proficiency in Religion which they can possibly attain to, provided they pursue those Measures

that are conducible to that end. I think it impossible for Men to fast and pray, and to repair to their publick and private Devotions too frequently, if these Duties be so proportion'd as not to hinder those others which they owe to themselves and Families, which both God and Nature require from them. Neither would I by any means have mens Avarice to slacken and interrupt their Zeal, upon a pretence of making a necessary provision for their subsistence in this World. This, I'm sensible, is a thing which is and may be improv'd to very ill Consequences: Men are apt to make a sinister use of that Liberty which God has given them of following their lawful Callings, by pursuing them to that height as to neglect their Duties in Religion: And more there are that run to this than the other Extreme, and requiring the Application of severe Caustick to remove their Disease, must be sharply reprehended for so foul an Error. But the other being reckon'd one of the right hand, deserve a mild and gentle usage, and must be manag'd by Lenitives, and meek Arts of Persuasion. To such, as it is necessary to give all due encouragement to a regular progress in Religion, and to animate them to a constant perseverance in the ways of Piety; so mildly to insinuate that 'tis not a moderate, but an inordinate pursuit of worldly Business, which interferes with, or carrys any opposition to the Gospel; otherwise, that 'tis so far from being a Sin, that 'tis an indispensible Duty in some indeed to attain a higher degree than others, sutable to their respective Circumstances or Education in the World: this is a Truth which we cannot but be the more unquestionably convinc'd of, if we consider how great a part of that Duty which we owe to God, is by Christ and his Holy Apostles devolv'd upon our Neighbour, as the grand Mark and Characteristick of our unfeign'd Love to himself. Now 'tis plain, that the more diligently we pursue our several Callings, the more we are capacitated, not only to provide a competent Subsistence for our Selves, Friends, and Relations, which Nature more immediately binds us to relieve, but also to extend our Charity to such as are in Poverty and Distress; a Sacrifice most acceptable unto God, and which he is better pleas'd with, than the bare Obedience of the Calves of our Lips. And to me it seems no contemptible Argument, that Religion is highly promoted by Industry (the Subject of this Discourse) seeing that nothing so enables a Man to be charitable as that; and none are ignorant that Charity is a most Christian and Divine Grace, and in the whole (of which that of Alms-giving is a part) preferable to all others in the Gospel.

Avarice discourag'd.

But not to insist longer on this Point, nor to enumerate more Instances out of Holy Scripture of such who are fam'd by the infallible Penmen for their great Labour and Industry, I will in the next place descend to the Practice of the Primitive Christians in this Case: And if I should wade into Antiquity, and undertake to ransack the Account given us of those early Times of the Gospel, I might present the Reader with such an inexhaustible Treasure of Examples of this kind, as would fill a Volume, and consequently be very disproportionable to the brevity design'd in this Discourse. I shall therefore mention one for all, which is that of the *Abyssine Churches*, first converted to Christianity by the Eunuch baptiz'd by *Philip*, but improv'd by the preaching of St. *Matthew*. The Priests of those Churches get their Livings by Labour, and to oblige them to be the more industrious in it, they are not permitted to receive or beg any thing of the People: and however they seem to have lost much of, and to have sensibly degenerated from the Purity of that Doctrine which was deliver'd by their first Teachers and Instructers; yet that part of it which the Apostles recommended as a standing Rule to be taught and inculcated to the People, is to this day inviolably observ'd by the Priest for an Example to his Congregation.

The Practice of the Primitive Christians.

But to descend to later Ages of the World, we shall find, that in all or whatever parts of it Christianity flourisheth, there the People are remarkable for their Labour and Industry: But in making so large an Hypothesis, I must crave leave to limit my Assertion to the Reformed Churches, as they are distinguish'd from that of *Rome*, whose degeneracy into Heathenish Idolatry, and into divers, if not all of the lewd and vitious Courses of the *Gentiles*, has consequently reviv'd that Idleness and Luxury which was predominant amongst them; which as Christianity in its first Establishment did in a great measure eradicate and supplant, so the same Weeds and Tares growing up again by the Errors and Corruptions of that Church, are now choaked and suppress'd in those Places where Religion is divested of that grievous Yoke of *Romish* Superstition, and reduc'd nearer to that original Purity in which it was first deliver'd to the Saints.

A Demonſtration whereof are thoſe parts of *Germany* where *Luther* began the Reformation, wherein Trades, Arts and Sciences flouriſh moſt; the *Hans*-Towns being diſtinguiſh'd by their multitude of Labourers, as well as regular Life. *Reformation promoted in places of Trade.*

From thence let us travel to *France*, and there ſee how *Calvin*'s *Reformation* is attended with the induſtrious Part of that Kingdom. This might be prov'd at large from the viſible decay of Trade ſince the Perſecution of the Proteſtants there, whoſe Churches were attended with Lay-Elders, as well as adorn'd with Learned Divines. And in ſomething parallel to this are our Churchwardens here, whoſe Duty and Charge is to preſent ſuch Perſons, whoſe Vices are the Concomitants, or rather natural Conſequents of Idleneſs and Luxury. I could eaſily enlarge the Reſemblance betwixt theſe in many Caſes (chiefly in ſuppreſſing Sloth and Idleneſs) but the Office of a Churchwarden being ſo univerſally underſtood in every Pariſh, I ſhall not trouble the Reader with that which he is ſuppos'd to be acquainted with before. *In* France.

To return therefore to the Reformed Churches abroad, you ſhall find the greateſt part of Diſcipline to paſs through the hands of the Laity, the Doctrinal part, and the Adminiſtration of the Bleſſed Sacraments being thought the Work of the Clergy. Now ſee what a mighty Progreſs has this Method of Government met with, and how wonderfully it has ſucceeded, amidſt their moſt inveterate Enemies the Church of *Rome*!

In *Germany* it ſpread with ſo great an extent, that the Romiſh Party were afraid, that tho it took not up the greateſt part of the Country, yet it would of their Arts and Labour, and leave them none but the unprofitable Rubbiſh of the Empire; and that ſtirred up the Empire to conſider ways how to ſtifle and ſuppreſs them, which by no Contrivances they were able to effect. God, who works not now by Miracles, uſes Means and Inſtruments ſutable to our Underſtandings, and agreeable to our lawful Intereſt and Improvement in the World; and in proportion to this, the Reformed Churches laid their Methods, inſtructing their Followers in the firſt Rudiments or introductory parts of Chriſtianity, catechiſing and preparing their Children and Servants by ſuch of the graveſt and beſt approved Lay-Elders among them, that were moſt capable of informing the Clergy of their proficiency and growth in Religion, who were then brought to their Divines and examin'd; and after being approv'd by them, were admitted to a participation of the Holy Sacrament of the Lord's Supper. Not unlike to this is the Order of Confirmation perform'd by the Biſhops in our Church. *In* Germany.

This courſe of the Reformed Churches prevail'd with great Advantage over the Papiſts: For their way of gaining Converts, was by drawing Men and Women to Idleneſs and Poverty, vehemently urging the Doctrine of Self-denial, but with no other intent than to enrich their Church by impoveriſhing their blind and ignorant Votaries. This Doctrine, as it was juſtly odious in its egregious miſapplication, by converting what they thus rack'd from their People to ſiniſter uſes, in maintaining a numerous brood of leud and idle Men, who liv'd in all manner of Eaſe, Luxury, and unlawful Exceſs; ſo was it grievous and uneaſy to thoſe who parted with the neceſſary ſupport of themſelves and Families, to purchaſe the Prayers and Benediction of the Church. *Has great Advantage over the Papiſts.*

The Proteſtants proceeded in a way diametrically oppoſite to this, and inſtructed their Converts as well in the Methods of an induſtrious courſe of Life, as in the Principles of Religion and Virtue: And at the ſame time that they educated them in the Service of God, and taught them how and in what manner to perform the Offices of Divine Worſhip, they likewiſe proved, that one part of their Duty conſiſted in making a neceſſary proviſion for their Families; and that in all the Scriptures there is not a blacker Mark of Infamy plac'd upon any that violate the Divine Laws, than ſuch as are guilty of that groſs Omiſſion. And it is remarkable, that in thoſe great Tracts of Ground where multitudes of Beggers ſwarm, there is not one of the Reformed Religion among them; which ſeems to be a ſignal Bleſſing, in a plain verification of that of the Royal *Pſalmiſt*, *That he never ſaw the Righteous forſaken, nor his Seed begging their Bread.*

I might enumerate an abundant variety of Inſtances to prove, how temporal Bleſſings attend Induſtry among Heathens, and how that juſt and gracious Providence (which rewards every one according to their Doings) has ſhower'd down upon the Gentile World many ſecular Felicities and Enjoyments upon that account; but I muſt remember to keep within my Sphere, which I have limited to Chriſtianity, and more eſpecially to that part of it which by that inexpreſſible happineſs *Temporal Bleſſings attend Induſtry.*

of the Reformation, is more properly and truly ſuch. In purſuit of which Deſign, as I have nam'd *Germany* and *France* in general, ſo let us take a Proſpect of that little State of *Geneva*, which like a Gem in a Garment ſhines in the midſt of its Neighbours; the City is as one Hand in Labor and Arts, not a Perſon to be ſeen without Employment, and few or none ignorant and unconcern'd in his Religion, but both making a joint, and (as it were) mutual Progreſs: And indeed, according to the preſent State and Condition of that place, there ſeems to be ſuch a neceſſity for their dependence one upon another, as that it cannot be ſuppos'd, that either could be ſupported without its Concomitant; and both of them thrive to a miraculous Augmentation and Improvement, notwithſtanding that they are enclos'd and fenc'd about by Enemies to both: Beſides, that it is a City ſituate within the Land, and has not ſo large a Territory belonging to it, as appertains to ſome of our Nobility in their Demeans, yet bears the Characters of a Commonwealth; and if conſider'd in all its Circumſtances, in reſpect of its Circuit, People, &c. may be thought the moſt formidable place, of ſo ſmall a Tract of Ground, and ſo little a number of Men, that is in the Univerſe.

Advantage by Trade in Holland.

The prodigious Growth and Improvement of the United Provinces, ſince the eſtabliſhing of the Doctrine of the Reformation among them, is ſo obvious to every Vulgar eye, and ſo univerſally known, as needs not to be mention'd in this Diſcourſe: only that which reſpects the Caſe in hand, ought not in reaſon to be omitted, namely, how conſiderable a ſhare and intereſt the Laity are entitl'd to, in the Propagation of the Goſpel, and Encouragement of Religion, ariſing from their private Inſtructions, as well as publick Example of a pious and laborious Life. Their Clergy chiefly reſpect it as their proper Province to be converſant in the publick Exerciſes of the Miniſtry, committing the Management of Domeſtick and private Inſtruction to the Laity; it being a receiv'd Opinion amongſt them, as 'tis with moſt of the reform'd Churches, that the Commonalty are beſt wrought upon, and prevail'd with by the Arguments, Examples, and Converſe of their Equals and Companions, and ſuch as are of their own ſize as to their Fortunes and Station in the World, tho not as to their Knowledg and Expericnce in Matters of Religion.

We will now come to our own Country, and Plantations, and take a view of that Progreſs which Religion has attain'd to among our ſelves, and conſider by what Hands, and in what Method moſt propagated. 'Tis an Expreſſion as common as 'tis true, That the *Blood of the Martyrs is the Seed of the Church*; and of all thoſe who gallantly depoſited their Lives for the Intereſt of Chriſt, and his Holy Religion, how many were of the Laity? You will not find one in ten of higher Characters: and of thoſe invincible Champions for the Church and the Reformation, the generality were Tradeſmen and Women, ſuch as labour'd with their hands for the ſupport of a Life, which they were ready with ſuch great Courage and Alacrity to lay down; and as an heroick Teſtimony of their Chriſtian Magnanimity, ſeal'd their Religion with their Blood. None will be ſo unkind to the bleſſed Memories of theſe poor People, but Glorious Martyrs, as to affirm, that they were not good Inſtructors in Religion, ſeeing 'tis a Maxim acknowledg'd by all, That Example is more prevalent than Precept.

The Glory of the Martyrs not leſſen'd.

But in thus giving a juſt Character of the worthy Carriage of the generally Mechanick Laity, I would not be underſtood to derogate any thing from that Veneration which all of us juſtly owe to the Martyrdoms of thoſe famous Worthies of the Church in thoſe times, and bleſſed Inſtruments of the Reformation, *Cranmer*, *Ridley*, *Latimer*, &c. Theſe were heavenly Lamps, who both by their Doctrine and Example have forcibly recommended the Embracement of the true reformed Religion to all Poſterity, and by diſſipating the Clouds and Miſts of Romiſh Idolatry and Superſtition, have ſo clear'd up and enlightened Chriſtianity with its antient Brightneſs, that our Ingratitude would be as unpardonable as miraculous, if we ſhould be wanting in any of thoſe publick Teſtimonies of a profound Reſpect, which their heroick and exemplary Sufferings, as well as chriſtian and wiſe Conduct in the whole Progreſs of the Reformation, may juſtly require from us. But all this being allow'd, as in reaſon it ought to be, I ſee no Cauſe why the Sufferings of the ordinary Laity may not claim a due place in our pious Remembrance and Eſteem of them, and that we ſhould not account them to have been greatly inſtrumental in promoting and corroborating of the reform'd Religion in their Station and Circumſtances, as their Martyrdoms and conſtant Perſeverance do amply evince.

From

From our Native Country we will paſs into Foreign Plantations, and of thoſe ſpeak ſomething, eſpecially of *New-England*; and becauſe I would not be thought a Friend to Separation from the Church as by Law eſtabliſh'd, I deſire therefore to be underſtood ſo, as not to repreſent them a Precedent, but an Inſtance only of a wonderful growth in that Wilderneſs, by their Induſtry and publick Encouragement in Religion. Theſe People in the ſpace of twenty years became the greateſt Plantation that any Age ever produc'd, and the viſible means was the great Induſtry of the People: Not a Man but was employ'd in Labour or Arts, their Children kept at School, and ſuch, whoſe Quality ſeated them above mean Employments, were put to the Univerſity, which they expreſſed a great Care and Sollicitude at their firſt Planting to erect. Now to bring this Relation to my Purpoſe, to prove that Artizans, Men of Labour and Employments, have been great Inſtruments in promoting and advancing the Chriſtian Religion, I will ſhew how they have prevail'd in the Converſion of divers of thoſe Heathens they liv'd amongſt; and for the better underſtanding the difficulty that attended the diſſuading thoſe poor Wretches from their antient Gentiliſm, I ſhall ſhew their manner of Living and Worſhip when the *Engliſh* came among them.

Example of New-England.

Idolaters they cannot properly be call'd, becauſe they neither worſhipped the Sun, nor Hoſt of Heaven; nor indeed had they any Idols among them, their Worſhip (if any ſuch they had) exceeding even that of Idolatry it ſelf, and conſiſting in ſupplicating the Devil, and that only upon Extremity of Sickneſs, which was done by their Witches, Prieſts, or *Powon*, as they call them, who upon extraordinary Occaſions raiſe the evil Spirit in the ſhape of a Dog, or any Creature among them. Theſe People then having no publick Rites or Ceremonies of Worſhip, no Sacrifices, or burdenſom Devotion, as other ſervile Wretches to that evil Spirit are miſerably intangled in, made it a matter of far greater Difficulty to bring them off a Life of Liberty, than it can rationally be ſuppos'd to be, where Men are loaded with the moſt extreme Rigors and Superſtitions, Auſterities, macerating and cruciating their Bodies like the *Derviſes* among the *Turks*, and ſeveral other deluded Zealots both among the Mahometans and Heathens, or ſuch as ſacrific'd their Children to appeaſe (as they vainly imagin'd) their angry Deities. To have prevail'd with theſe to relinquiſh their Follies, which were ſo ungrateful to Fleſh and Blood, ſo harſh and aukward to their natural Inclinations, which expos'd them to ſuch mighty Hardſhips, and made their Lives a continu'd Series of the greateſt Miſery and Sorrow that could be inflicted upon Mankind; and in lieu thereof to have embrac'd the pleaſing and light Yoke of Chriſtianity, would have been a Deliverance from exquiſite Tortures, to Eaſe and Liberty: but the Caſe was otherwiſe with theſe *Indians*, who were not under any ſuch Severities, and therefore not expos'd to ſuch mortifying Circumſtances.

Cuſtoms of the Weſt-Indians *before they became Chriſtians.*

Another Obſtruction was, That theſe *Indians* (the Men eſpecially) liv'd as well without Labor for their Bodies, as divine Worſhip for their Souls, and would not be induc'd to any thing of Labor, leſt they ſhould thereby be oblig'd to Religion. Now let us ſee how many were brought in to be true Converts, and not ſuch as the *Spaniards* made in the *Weſt-Indies*.

'Twas found a difficult undertaking to bring them to Church, and publick Inſtruction: but firſt diſcourſing with the poorer *Engliſh*, and being told by them, that their God commanded them to work with their Hands, as well as pray with their Lips, and that if they did both, they ſhould go to a place of everlaſting Joys, where they ſhould have no Labor; this brought them to their Churches, and ſo (by the Bleſſing and Goodneſs of God) to their Converſion; which is now arriv'd to that height, that they are come to numbers of Converts, have the Holy Bible tranſlated into their own Language, and Miniſters to officiate amongſt them, who are of the Natives of the Country, but carefully educated at the *Engliſh* Univerſity. And whereas before their Converſion, the *Indian* Men did no manner of work, no not ſo much as planting their Indian Corn, or gathering it in, but all was done by their Women; ſince they became Chriſtians, they are good Artizans and Labourers. This (I preſume) will be granted a ſufficient Demonſtration, That laboring and mechanical Men are very active and ſucceſsful in the Propagation of the Goſpel: And as a publick Bleſſing upon their great Induſtry, this Country, like thoſe I have before mention'd, has no ſuch thing as a Begger among them.

Difficulty of converting them.

Now, as hence we may obſerve the Bleſſing that attends Induſtry in the Converſion of Heathens to the excellent Doctrine of Chriſtianity, as has been inſtanc'd

in

in this Foreign Plantation; ſo on the contrary, we ſee how the Natives that live in other Plantations, continue in their miſerable Gentiliſm: the reaſon that may be aſſign'd for it, is, That there our *Engliſh* do more indulge themſelves in Idleneſs and Luxury, and depend upon the Labour of Slaves, and Malefactors that are ſent thither for their Crimes; which makes the *Indians* infer this Concluſion from it, That Work and Labour is no Duty, but a Puniſhment.

Thus I have given a ſuccinct view of ſeveral Ages and Periods of Chriſtianity ſince our Bleſſed Saviour, and have endeavour'd to ſhew, that wherever the Religion of the Holy Jeſus has been introduc'd, Artizans and Men of Labour were highly inſtrumental in the Acquiſition of, if not led the Van in that ſpiritual Conqueſt. Our Saviour made choice of ſuch, his Holy Apoſtles and Succeſſors inculcated this Doctrine by their Precepts, as well as inforc'd a vigorous Execution of it by their Examples. Their Converts, and the primitive Chriſtians purſued the ſame Steps, as well in their Lives as Inſtructions to others; and after a general Defection by the Errors and Innovations of the Church of *Rome* (which reduc'd Matters to a primitive State of Heatheniſm, and conſequently degenerated into Idleneſs and Luxury) our Reformation ſprang up among the ſame People of Induſtry and Labour, who retrieving Chriſtianity from the groſs Corruptions of the Romaniſts, reduc'd it to its firſt and antient Purity, and ſo encourag'd that Diligence in ſecular Employments, which the firſt Preachers imprinted in their Gentile Converts, and ſuch as became Proſelytes to that moſt excellent Doctrine of the Goſpel. And as this courſe was purſu'd by our ſelves at home, ſo has it been carefully attended to by our Countrymen in our Foreign Plantations of *New-England*, where we have obſerv'd, that what Proficiency many of the poor *Indians* have attain'd to in Chriſtianity, is owing to the Inſtruction, and familiar Converſe of the ordinary Mechanick *Engliſh*, at whoſe Perſuaſion they were prevail'd upon to make an induſtrious Enquiry into the Nature and Principles of the reform'd Religion, and conſequently to eſpouſe and embrace it. And in our daily View and Proſpect of the beſt govern'd and religious Sons of our own Church, we may obſerve them to be ſuch as allow not themſelves in Idleneſs and Luxury, but ſtrictly apply their Endeavors as well to a laborious as a religious Courſe of Life. And as we find ſome Mens worldly buſineſs ſo regularly and prudently manag'd, as not to obſtruct, but on the contrary to promote and improve Religion, by affording them the greater Opportunities of extending their Charity to diſtreſſed Objects, and the like; ſo are there others, who being either wholly, or in a greater meaſure exempt from temporal Employments, are leſs regardful of, and not ſo painful and ſollicitous in ſecuring to themſelves an immortal divine State in the other World: the Parable of the unprofitable Servant being applicable to them in a twofold Conſtruction, in a viſible Neglect, or at leaſt Non-improvement both of their Secular and Spiritual Intereſts.

Indians made Chriſtians, and the Bleſſing attending the induſtrious.

A Letter to a Friend concerning the Behaviour of Chriſtians under the various Revolutions of State-Governments.

SIR,

THE Revolutions that ſo frequently happen in States, may well engage an honeſt Man to examine how Chriſtians, and the Church in general, ought to behave themſelves in ſuch kind of Revolutions. I have therefore undertaken to anſwer your deſire, in as clear and perſpicuous a manner, as it is poſſible for me, without making too particular a Reflection upon the preſent change of Government which hath put you upon propoſing this Queſtion to me. You deſire to know of me whether it be lawful for a Chriſtian to pray for a Prince whom he takes to be an Uſurper, and how the antient Chriſtians behaved themſelves in the like Revolutions.

How Prayers for Uſurpers are allowable.

The Firſt Point is a queſtion of Right, whether it be unlawful to pray for a Prince, whom we believe to be an Uſurper; ſo as that all thoſe who are of this Opinion, are oblig'd to ſeparate themſelves from the Communion of thoſe who believe him to be a lawful Prince; it being impoſſible that thoſe who think they ought to pray for a diſpoſſeſſed Prince, becauſe they conſider him as their lawful Prince, ſhould be preſent at the Prayers that are made for a Prince whom they conſider as an Uſurper. The ſecond Point is a matter of Fact, which I might excuſe my ſelf from entring upon; becauſe it is certain that Chriſtians are to order their Lives not by Examples but by Rules. However for your ſatisfaction I will not refuſe to take a ſhort view of the Behaviour of the Primitive Chriſtians in ſuch kind of Revolutions.

As to the firſt Point, I anſwer, That it is not only lawful for a Chriſtian, but that he is alſo oblig'd in Conſcience to pray for thoſe, who are in poſſeſſion of the Authority of the State wherein he lives, if he hath a mind to obey the Apoſtle St. *Paul*, and to follow the Principles of the Chriſtian Religion. I ſuppoſe that that which is the Duty of every Chriſtian in particular, is the Duty alſo of the Church in general, foraſmuch as the Church is nothing but an Aſſembly of Chriſtians.

Take we a view therefore of the Command of the Apoſtle St. *Paul* in his firſt Epiſtle to *Timothy*, Chap. 2. v. 1, 2, 3, 4. 'I exhort therefore, that firſt of all 'Supplications, Prayers, Interceſſions, and giving of Thanks be made for all Men, 'for Kings and all that are in Authority; that we may lead a quiet and peaceable 'Life in all Godlineſs and Honeſty. For this is good and acceptable in the ſight of 'God our Saviour, who will have all Men to be ſav'd, and to come to the Knowledg 'of the Truth. The Learned Dr. *Hammond* hath thus paraphras'd this Precept. *Dr. Hammond's Opinion.*

Firſt, In the firſt place therefore I adviſe thee and all the Biſhops under thy Metropolis, that you have conſtant publick Offices of Devotion, conſiſting, (1.) Of Supplications for the averting of all hurtful things, Sins and Danger. (2.) Of Prayers for the obtaining of all good things which you want. (3.) Of Interceſſion for others; and (4.) Of Thankſgiving for Mercies already receiv'd; and all theſe not only for your ſelves, but in a greater diffuſion of your Charity, for all Mankind. *2dly*, For the Emperors and Rulers of Provinces under them, to whom we owe all our peaceable living in any place, in the exerciſe of Religion and a virtuous Life, and therefore ought in reaſon to pray and give Thanks for them. *3dly*, For this God under the Goſpel approves of, and requires at our hands. *4thly*, In proportion to the Example which he hath given us in himſelf, who earneſtly deſires the good of all Mankind, and uſeth all powerful means to bring them to reform their former wicked Lives, and now to entertain the Goſpel. Whence it appears clearly that a Chriſtian, as ſuch, is oblig'd to offer up unto God publick Prayers for thoſe that are inveſted with the Sovereign Authority, and that this is a Duty of the Church in general.

And

St. Paul's meaning explain'd.

And here I desire you to observe two things: the one is, that the Apostle St. *Paul* makes no distinction betwixt the lawful Emperors and Usurpers; the other, that he grounds the necessity of these Prayers upon a principle of Gratitude and Acknowledgment to the Government in general, whosoever they be that administer it, forasmuch as we are beholden to them for the peaceable Life we enjoy in the exercise of our Religion and a virtuous Life.

This being thus stated, a Christian can have no further scruple in this Point, but only about the question of matter of Fact, *viz.* Who those be that are in actual possession of the Sovereign Authority? But this is a Question which may no less easily be decided by the Rules of the Gospel; in a word, every Christian is oblig'd to acknowledg him for his lawful Prince, to whom he payeth Tribute. This is the Doctrine of our Saviour Jesus Christ, *Mark* xii. and *Luke* xx. the words of the Gospel are as follows; 'And the Chief Priests and the Scribes the same hour sought 'to lay hands on him (but they fear'd the People) for they perceiv'd that he had 'spoken this Parable against them. And they watch'd him, and sent forth Spies, 'which should feign themselves just Men, that they might catch him in his words, 'and so might deliver him unto the Power and Authority of the Governor. And 'they ask'd him saying, Master, we know that thou sayest and teachest rightly; neither acceptest thou the Person of any, but teachest the way of God in Truth: Is 'it lawful for us to give Tribute to *Cæsar* or no? But he perceiving their Craftiness 'said unto them, Why tempt ye me? shew me a Penny: whose Image and Superscription hath it? They answer'd and said, *Cæsar*'s. And he said unto them, 'Render therefore unto *Cæsar* the things which be *Cæsar*'s, and unto God the things 'that be God's. And they could not take hold of his words before the People; 'but marvelling at his answer, held their Peace.

Dr. Hammond's Explanation of our Saviour's Answer about Tribute to Cæsar.

For the better understanding of this Answer of our Saviour, I shall again make use of an Annotation of the Learned Dr. *Hammond* upon the 22*d* Chap. of St. *Matthew*, where he explains what the *Herodians* were, and what gave occasion to our Saviour to make this Answer. Of the *Jews*, some part, says he, acknowledged and adher'd to the *Cesarean* or *Roman* Authority, some part look'd upon it as an Usurpation; and of this generally were the *Pharisees*. This Difference or Controversy was thus occasion'd. About one hundred and fifty Years before the Birth of Christ the Government of *Judea* came into the hands of the *Zealots* or *Maccabees*; among them *Judas Maccabæus* being in fear of *Antiochus*, enter'd into a League with the *Romans*, which continued about ninety Years. Then *Hircanus* and *Aristobulus* the Sons of *Alexander* falling into Contention for the Kingdom, and the younger Brother *Aristobulus* getting possession of it, *Hircanus* applied himself to the *Romans* for redress, and by *Antipater*'s mediation besought *Pompey* (being then near) to come with an Army to his relief; *Pompey* did so, and thereupon besieged *Jerusalem*. *Hircanus*'s Party within soon deliver'd it up; and *Aristobulus*'s Party retir'd into that Part where the Temple stood, and *Pompey* storm'd the Temple, and took it, and so the City came into the *Romans* Power, and *Hircanus* was restor'd to the High Priesthood, and Kingdom of *Judea*, but so as to hold (as he obtain'd) it under the *Romans* Protection: which they did (those of them that were of *Hircanus*'s Party) by Consent and not by Force, by a Choice which the Factions among themselves put them upon, and by way of dedition; and so *Josephus* plainly saith of the *Jews*, that they had made a dedition of themselves: mean while they of *Aristobulus*'s Party lookt upon the *Romans* as Usurpers, and forcible Possessors. And thus it continu'd till our Saviour's time; and at this time some of each Party, *Pharisees* on one side, and *Herodians* (*i. e.* Followers of *Herod*) on the other, came unto Christ, meaning to ensnare him in whatsoever he said, and to take advantage, of him, either to inflame the *Pharisees* (who were the most eminent among the *Jews*) if he should say that Tribute was to be paid, or to bring him into danger of *Herod* and the *Roman* Party, if he should say 'twas not to be paid. And tho Christ's Answer be punctuallyin favor of the *Roman* Emperor, especially to those that took the Tribute to be his right, yet in Prudence he thought fit to give such an Answer as might best avoid the opposite danger.

Instances amongst the Jews.

After these things here alledg'd, you see that nothing can be more natural than to form this Argument: Every Christian is oblig'd to acknowledg him for his lawful Sovereign, to whom he pays Tribute. This is the express Doctrine of St. *Paul*; therefore every Christian is bound to pray for those that are in Possession of the Government, as for their true Sovereigns.

There

There are but two ways to elude the force of its Argument: for either we muſt maintain that our Saviour argued like a Sophiſter, in going about to perſuade the *Jews* to own him for their lawful Prince, to whom they were forced to pay Tribute, in caſe it be true that People may pay Tribute to a Prince, whom they ought not to acknowlege for their lawful Sovereign; or elſe we muſt maintain that St. *Paul* hath engag'd Chriſtians in Sin, by commanding them to pray univerſally for thoſe to whom they pay Tribute, tho it may be ſuch Men are in poſſeſſion of Power, and receive Tribute, for whom they ought not to pray. This Conſequence is evident and neceſſary, if it be true that the paying of Tribute be neither a lawful mark of their Sovereignty, nor a lawful Foundation to pray for them.

Object. *But you'll ſay, the concluſion of your Argument will lead us to confound a lawful Government with that which is unlawful, an Uſurper with a rightful Sovereign. At this rate of arguing, tho we are convinced in our Conſciences that ſuch a one is an Uſurper, and ſuch a one our lawful Prince, we are forc'd according to your Argument to pray for the Uſurper, and againſt our lawful Prince. That is to ſay, according to your ſenſe, we are charg'd by St.* Paul *to commit immoral Acts, and are oblig'd to ſin againſt God, that we may be obedient to St.* Paul. *And this is enough,* ſay you, *to diſcover the Sophiſtry of your Argument.*

Sol. Why this is the very point, where I would fain have you. The Principle I oppoſe is, that it appertains to the Church to judg of the Title of thoſe who are in poſſeſſion of the Government, whether it be a rightful Title, or not; whereas I maintain on the contrary, that it doth not in the leaſt belong to the Church, to pronounce concerning the Title of thoſe who are in poſſeſſion of the Sovereign Authority. It follows from this Principle, that we cannot lawfully pray to God for any but thoſe, whoſe Title to the Sovereignty we own to be rightful: And I maintain, that if this Concluſion, which is drawn from the Principle I oppoſe, be true, it is impoſſible for any Chriſtian Church to ſubſiſt in any State; and that conſequently the Concluſion, as well as the Principle from whence it ſo naturally flows, cannot but be falſe.

Chriſtians are not oblig'd to examine Titles. I deſire you, Sir, to take notice that I affirm it doth not belong to a Chriſtian, as ſuch, to examine whether he who hath the Power over a Society, poſſeſſeth the ſame by a juſt Title or by Uſurpation. I acknowlege indeed that it is the right of the Society, and its Repreſentatives, to examine this queſtion; but I flatly deny that it belongs to the Church, or to any of the People, conſider'd as Chriſtians, to diſcuſs the Titles of their Sovereigns. Chriſtians, in as much as they are Chriſtians, are in a State in the ſame manner as Phyſicians, who in that Capacity have nothing to do to meddle with Affairs of State, tho they may take cognizance of them as they are Citizens. Affairs therefore of State muſt not be regulated by any but thoſe who are call'd to the management of them. And foraſmuch as the People are bound to ſubmit themſelves to the Reſolution of their Repreſentatives, the Church accordingly is oblig'd to own him for a lawful Sovereign of the State whom the Managers of the State own for ſuch, by ordaining Tribute to be paid to him, and Prayers to be offer'd up to God for him, *&c.*

Where Tribute is due, lawful Power is own'd.

This is my Poſition, the Truth whereof I ſhall here ſet forth with a full and convincing Evidence.

Our Saviour's Reſolution of the Caſe. *First*, Jeſus Chriſt declar'd that Tribute ought to be paid to thoſe, whom the greateſt part of the *Jews* lookt upon as Uſurpers (I mean the *Roman* Emperors) and who indeed had uſurp'd the Power they themſelves had formerly enjoy'd.

2*dly*, Our Saviour did plainly ſuppoſe, that the Proſperity of their Emperors ought publickly to be prayed for in the Temple, as was conſtantly done, to which the Zealots of the *Jews* oppos'd themſelves; for otherwiſe he ought rather to have join'd himſelf to theſe Zealots, and forborn entring into the Temple, in caſe he had not approv'd the Prayers there offer'd up for ſuch Governors.

3*dly*, St. *Paul* thought that we are bound to pray for thoſe that have the Authority in their hands, without ever making the leaſt diſtinction between thoſe that were poſſeſt of this Authority by a lawful or unlawful Title. Now where the Law doth not diſtinguiſh, it is plain that neither ought we.

4*thly*, It hath been the conſtant Practice of the Chriſtian Church to pray for thoſe that had the Sovereign Authority, without ever allowing themſelves the Liberty to judg of the Validity or Invalidity of the Titles of thoſe that were in poſſeſſion thereof. This practice of the Church in all times and in all places, is ſo unconteſted a matter of Fact, that we may defy any Perſon whatever to produce any one ſingle example of a Schiſm that hath happen'd in the Church, on a pretence like to

that on which they have form'd one of late, *viz.* where one Party of the Church maintain'd that they ought not to pray for a Prince in poſſeſſion, becauſe his Title was not lawful, and ſeparated themſelves from thoſe that ſubmitted to him that was in poſſeſſion.

Chriſtianity medles not with Politicks.

It is viſible that, according to the contrary Principle, if the Church had not only a Right to examine the Title of Sovereigns, but were alſo under an obligation ſo to do for fear of offering diſpleaſing Prayers to his Divine Majeſty in favour of an Uſurper, it was of indiſpenſable neceſſity for the Apoſtles to have made an exact draught of Politicks, fram'd according to the Nature and Rights of the Government, which they ought to have tranſmitted to their Succeſſors in writing. It would have been neceſſary alſo in the Church, to inſtruct the Biſhops, and all the Clergy, conformably to this Scheme of Politicks, to the end that they might afterward inſtruct the Church; and yet we do not find a tittle of all this neither in the New Teſtament, nor any other Books of Antiquity: Tho without this ſo neceſſary caution it cannot be imagin'd, but that a vaſt number of Schiſms muſt have been form'd, by occaſion of ſo many Revolutions that have ſo ſtrangely chang'd the Face of Governments, from the time of our Saviour to this preſent. We muſt therefore of neceſſity own, either that none of the antient Chriſtians ever thought of diſcharging a Duty ſo eſſential to the Chriſtian Religion, in the moſt important Acts of Devotion, or that the Chriſtians never believed that it was their buſineſs to examine the Rights of Sovereigns, much leſs that they were oblig'd ſo to do, to the end they might be in condition to offer their Prayers to God with a good Conſcience.

Our Saviour's Rule the beſt.

I have told you, Sir, that the Chriſtian Religion could never have been admitted, or have ſubſiſted in any State, if our Saviour had given another Rule to his Apoſtles than that which he hath given them. And accordingly I intreat you to conſider with your ſelf a little, what would have become of the Chriſtian Religion, if the Church had undertaken to examine the Titles of Sovereigns? Can you believe in good earneſt, that ever ſhe would have met with an eaſy entrance into the World, if it had been known, that thoſe who preach'd it, entred into a State with a deſign and under obligations of examining the Titles of thoſe who govern'd it, and with a deſign of charging upon the Subjects as their Duty an Inquiry of this nature? I am certain that we cannot meet with any thing like this, neither in the Writings of the Apoſtles, nor in the Writings of the antient Doctors of the Church, particularly in their Apologies, wherein they have refuted the principal grounds for which the Emperors rejected the Chriſtian Religion, and proſcribed it. Yea, I am very ready to be ſo juſt to thoſe who are of the contrary Opinion, as to believe they would have more Prudence, than to make any ſuch kind of Declaration to the *Indians* or *Chineſe*, if they had a mind to go and preach the Goſpel amongſt them.

But ſome, it may be, may be apt to perſuade themſelves that the Profeſſion of the Chriſtian Religion is the rather to be receiv'd upon this Condition of engaging Subjects to examine the Title of their Sovereigns and the whole State. For indeed it may be thought, what can be more advantageous to a Society or a Prince, than Souls of ſo tender a Conſcience as are unwilling to pray for a Prince till they have diſcuſs'd the point whether their Titles be lawful? But yet I know not whether they would have been able to make the Goſpel to be received on thoſe Terms. For

Abſurdities upon the contrary.

1*ſt*. It plainly appears that they muſt have left all thoſe Countries, which from Monarchies were newly chang'd to Commonwealths, or the contrary. 2*dly*. It appears that they would have been excluded out of any Country where a Prince had been depos'd, and another put in his place; foraſmuch as they could not obey the Laws of an Uſurper, nor own him by praying for him. 3*dly*. They muſt, even in thoſe places where the Government appear'd to them lawful, at their firſt entrance have declar'd, that their true Diſciples would be always ready to withdraw themſelves from under the Authority of the Government, aſſoon as any Change ſhould be made in it contrary to their Scheme of a lawful Government, and that they would do their utmoſt endeavours to withdraw from the State all thoſe that could not comply with this Change in the Government. This ſuppos'd, let them judg in how many places they could have got an entrance for the Goſpel, clog'd with thoſe Conditionals.

The Apoſtles concern'd not themſelves in Politicks.

But there is ſomething worſe than all this; for by this jumbling of political Conſiderations about Government with the Doctrine of the Goſpel, the Apoſtles would have been oblig'd at their firſt entrance to preſent the Governor of the Place a Draught of a lawful Government according to their Notion, to the end that

that the State might conſider whether this political Scheme did agree with the nature of Government, as it is eſtabliſh'd amongſt the ſeveral Nations of the World. This is the Point whence they ought of neceſſity to have begun the preaching of the Goſpel, for without this Chriſtians could never be perſuaded to offer up Prayers to God for the Governor of a State. In very truth, the Apoſtles would have ſeem'd a company of pitiful Men, for underſtanding their Commiſſion no better, as having failed to leave us a good and ample Inſtruction in this moſt important Matter, and which was of ſo great Neceſſity, conſidering the vaſt number of Changes and Revolutions that have happen'd in Governments: whereas inſtead of uſing this Exactneſs, they have only ſimply and in general commanded us to pray to God for all the Powers ſet over us, but they never deign'd to acquaint us, either by their Conduct or Doctrine, that this was to be reſtrain'd only to ſuch Powers as are lawful. But they will ſay, ſince you grant that a Chriſtian and a Citizen are one and the ſame Perſon under different reſpects, How is it poſſible that after all this you ſhould conceive that a Citizen, who is perſuaded in his Conſcience that ſuch an one is a Uſurper, may yet as a Chriſtian, pray to God for this Uſurper, as if indeed he were his lawful Prince? To this I anſwer, that a Man who embraceth any Principles contrary to the Conſtitution of a State, is very much to be pitied; and if beſides he be ſo unhappy as to fill his Brain with Whimſeys without any ground or probability of Truth, and takes pains to confirm himſelf in the ſame from Paſſages of Scripture miſapply'd, he is ſtill more incurable; becauſe in this caſe he hugs his Error, as ſuppoſing it both honourable and meritorious.

How the Conſcience of a Jacobite *is erroneous.*

But to anſwer directly to this Difficulty; I ſay that the Conſcience of ſuch a Perſon is moſt viſibly Erroneous: For firſt, he judgeth in the quality of a Citizen, that ſuch an one is an Uſurper, for whom it is not lawful to pray; becauſe, as he is a Chriſtian, he admits a Doctrine and Principle, in conſequence whereof he oppoſeth himſelf againſt the Determination of the State, which hath manifeſtly acted and judged according to other Principles. If he forms this Judgment as he is a Chriſtian, then he attributes to himſelf a Right which God hath never granted to Chriſtians as ſuch; but if he judg thus in the quality of a Citizen and not of a Chriſtian, he violates the Laws of a Society, which cannot ſubſiſt if every private Perſon be permitted to oppoſe his particular Judgment to that of the Publick, declar'd in the moſt ſolemn manner imaginable: the deluſion of the Conſcience of ſuch a Perſon appears as evident to me as if a Man ſhould have reſolv'd to maintain from Scripture as a Doctrine of Faith, that the Sun goes round the Earth, and in conſequence to this Principle ſhould refuſe Communion with thoſe that believe the Syſtem of *Copernicus*.

I don't believe that thoſe who repreſent the Body of the State are infallible in their Judgment: but ſeeing it is the higheſt Human Tribunal where theſe Queſtions, which concern the Right of thoſe that pretend to the Government, can be decided; I aſſert, that if a Citizen hath a Judgment oppoſite to that of the State, either he muſt acquieſce in the Judgment of the State, or he muſt depart out of it, for fear of being made partaker of the Puniſhment which he believes God may inflict upon a State for an unjuſt action; yet after all, there is none but God can correct that which he hath reſerved to his Government. This is that which Conſcience muſt naturally dictate to a Man who liſtens to its Suggeſtions.

The Jacobites *act not according to their Principles.*

This being granted, I ſay in the ſecond Place, that they who reaſon thus, and continue in the State whoſe Authority they do not acknowledg, do not follow their own Principles as they are bound to do: Suppoſe we therefore that they ought to ſeparate themſelves from their Brethren; foraſmuch as in the quality of Chriſtians they cannot join in thoſe Prayers that offend their Morals, are they not as much oblig'd in the quality of Citizens to quit a Society, which they ſuppoſe to have violated the Fundamental Laws of the State, by raiſing an Uſurper to the Throne of the Lawful Prince? The Obligation, if I be not miſtaken, is as binding on this hand as on the other.

Our Civil Rights and Poſſeſſions are ours in owning the Government.

This is an ignorant flattering of our ſelves, to believe that we may lawfully preſerve a Propriety in our Eſtates, by continuing in a State which we look upon as being in actual Rebellion againſt their Sovereign; for it is certain that the Poſſeſſion of the Goods we enjoy as Members of the Society, is no further allow'd us than as we own the Authority whereby the Society doth ſubſiſt. We have no Right to them any further than as the Society allows us to enjoy the ſame, and that we own the Authority of the Rulers of the Society. The propriety we have in our Goods is not from a natural Right, but from a poſitive Right which cannot ſubſiſt but in

the Society. As ſoon as we quit a Society, which we do when we diſown its Authority, we have no longer any Right to our Goods, and accordingly *ipſo facto* they ceaſe to be ours: And therefore a Stranger who is bound by his Oath to his own Prince, can poſſeſs nothing in a Foreign State; he hath no leave to trade in a ſtrange Country any further than he ſubmits himſelf to the Laws of the Society, and to undergo the Puniſhments which the Law inflicts in caſe it appear that he hath violated the Laws of it. This is the Doctrine of St. *Auguſtin* upon St. *John*, confirm'd by *Yves* of *Chartres*, *Epiſt.* 65. By what Right, ſaith he to the Donatiſts, do you keep poſſeſſion of the Lands belonging to the Churches, is it by Divine or Human Right? The Divine Right is contain'd in the Scriptures, and the Human in the Laws of Kings: whereupon you perceive that whatſoever a Man poſſeſſeth, he poſſeſſeth it by a Human Right; but as to a Divine Right, *the Earth is the Lord's, and the Fulneſs thereof.* 'Tis by Human Right that any one ſaith this Land is mine, this Houſe is mine, this Slave is mine. Take away the Right of the Emperor, and who dares ſay this Land is mine, this Houſe is mine, this Slave is mine? Neither do thou ſay, what have you to do with the King; yea, what haſt thou to do with this Poſſeſſion? Don't ſay that thy Poſſeſſions are thine, for thou haſt renounc'd Human Right, by which only one poſſeſſeth whatſoever he has; for if theſe things were eſtabliſh'd by a Divine Law, it would not be in the Power of the Judges in ſome Caſes to judg according to the Rigor of the Laws, and in other Caſes more favourably. Nay, Sir, to reſide only under any Government, makes a man ſubject to the ſaid Government *ipſo facto*; for otherwiſe a Stranger could not be juſtly puniſht for being guilty of High Treaſon againſt a Prince whoſe Subject he is not.

I have ſaid thus much to remove a Deluſion ſome put upon themſelves in this Matter, for want of due conſideration, imagining that they may lawfully enjoy their Eſtates, without owning the Authority of thoſe that govern the State; and that they ſatisfy their Conſciences by refuſing to pray for them, when indeed they do own their Authority, by having recourſe to thoſe Laws and Magiſtrates who ſecure the enjoyment of their Poſſeſſions; the Magiſtrates who execute the Laws, having no other Authority than what is deriv'd from thoſe that actually govern the State.

Abſurdities in the Jacobites Principles.

Is it not ſtrange, Sir, to ſee Men for the preſerving the poſſeſſion of their Goods perſuade themſelves, that by their not praying for him whom they look upon to be an Uſurper, they have done enough to ſatisfy their Conſcience? It is every whit as much a Duty to pay Tribute to the Higher Powers, and a Duty to which Conſcience obligeth us (as St. *Paul* expreſſeth it, *Rom.* 13. 3, 4, 5, 6.) as it is to pray for them; for neither can the Peace of a Nation be kept without Arms, nor Arms maintain'd without Salaries, nor Salaries of Soldiers without Tribute. Thus *Tacitus* explains the Juſtice of Tributes.

Query.

If therefore you do not believe the Authority to be lawful, why can you pay Tribute which is exacted to maintain this unlawful Authority? Is not this to imitate the Conſcience of the Jews, whom our Saviour reproves for having deny'd the Power and Authority of *Ceſar*, at the ſame time when they acknowledg'd that they paid Tribute to him? You will ſay we are active in praying for an unlawful Authority, but we are only paſſive in paying Tribute, becauſe that Authority forces us thereto by ways we cannot oppoſe, as wanting Power ſo to do. See here a ſubtle piece of Divinity: According to theſe Principles when St. *Paul* orders us to pay Tribute to thoſe to whom Tribute is due, he doth not command Subjects to be active in paying Tribute, but only to be paſſive by ſuffering it to be taken from them by force. What is the meaning of a Tribute, ſave only a Contribution that is rais'd to maintain the Authority that governs us? Is it not therefore as poſitive an act of the Subject, as the Honour he renders to whom Honour is due? But beſides, if this Anſwer be ſatisfactory, it hath this little Inconvenience, that it furniſheth the Jews with an Anſwer to our Saviour's Argument: The Phariſees were reduced to ſilence, becauſe they did not conceive it to be a ſufficient juſtification of themſelves to ſay to our Saviour, *Ceſar* forceth the Tribute from us, we are only paſſive in paying it. Had they been acquainted with this diſtinction, they would have ſtopt our Saviour's Mouth; without doubt the Phariſees were not in any condition to make reſiſtance, which oblig'd them to pay Tribute: but the action of paying Tribute to him whoſe Authority they diſown, was ſufficient to condemn them, which accordingly alſo put them to ſilence. Our Saviour is ſtill the ſame Judg as he was formerly with reſpect to the Jews. The Maxim of Jeſus Chriſt is, that we muſt own him for our lawful Sovereign to whom we pay

Tribute,

Tribute, and who is poſſeſt of the Publick Authority, as appears by the ſtamp of Current Mony.

I know that ſome may take occaſion to raiſe a Diſpute here, becauſe the learned Dr. *Hammond*, when he explains thoſe words of the 13*th* of the Epiſtle to the *Romans*, *Let every Soul be ſubject to the higher Powers*, underſtands it of Sovereigns that are rightly eſtabliſh'd and conſtituted, and of Supreme Governors legally plac'd in that Kingdom. Whence it follows that we are not bound to pay Tribute to thoſe who have none of this Character, Conſcience only obliging us to pay Tribute to ſuch, who being lawfully conſtituted, may and ought to be conſider'd as God's Miniſters. But I deſire you to conſider; *Firſt*, That according to Dr. *Hammond*'s confeſſion, St. *Paul*'s Deſign was to oppoſe the Doctrine of the Gnoſticks, who believ'd that a Heathen could have no lawful Authority over Chriſtians, and made the Liberty of the Goſpel to conſiſt in this Maxim, according as Dr. *Hammond* explains himſelf on the 8*th* Verſe of St. *Jude*'s Epiſtle. 2*dly*, That the Apoſtle St. *Paul* doth not give any Right, nor impoſe any neceſſity upon every Chriſtian to oppoſe his Judgment to the Sentiment and Determination of the State, about the Right of the Sovereign that is placed on the Throne; but that he hath wholly left it to the Eſtates to determine who are their true and lawful Sovereigns; and that he hath impoſed a neceſſity upon Believers to pay Tribute to all thoſe that are own'd to be ſuch, as a thing that is their due, foraſmuch as they are the Miniſters of God. For if we conceive the thing otherwiſe, St. *Paul* muſt have engaged the Chriſtians to examine the Title of ſuch as are inveſted with the Government, to judg whether it were lawful or no, and this even after that the State had own'd them as lawful; the *Roman* Senate having originally had the Right of naming the Emperors, as we ſee by the ſeveral Elections they have made, as well as by thoſe it hath approv'd, when the Armies had prevented its Choice. And by this means the Chriſtians would have been diſpenſed with from paying Tribute to all thoſe who had invaded the Empire, or who had not obtain'd the Approbation of the Senate for their Election made by the Army; or elſe would be oblig'd to perform, without any regard to Conſcience, an Act whereof the Apoſtle would have Conſcience to be the Principle, as being founded upon an Emanation of the Authority of God himſelf.

Dr. Hammond's Opinion vindicated.

I comprize here in a few words the force of St. *Paul*'s reaſoning. St. *Paul* commands Chriſtians to pray for the Sovereign Powers of the State where they live; he orders them to pay the Tributes that are neceſſary to maintain their Domination, and to exerciſe their Authority. He grounds both theſe Duties upon the Obligation that lies upon us to wiſh all poſſible good to thoſe who are the Conſervators of the Society in which we live, and to contribute to the Safety and Security the Church enjoys under their Protection; ſo that he ſuppoſeth that theſe two Duties with regard to the Sovereign Powers are inſeparable. If you cannot in good Conſcience pray for the Sovereign Powers, which the Body of the State owns for ſuch, then neither can you in good Conſcience pay them any Tribute; and on the contrary, if you can in good Conſcience pay them Tribute, which is deſign'd to maintain their Domination, you may with as good a Conſcience pray for their Proſperity.

The Force of S. Paul's Reſolution.

But this I ſuppoſe is enough, Sir, as to the firſt Article of the Queſtion you have propoſed to me: I have by the by touch'd upon the ſecond; which I am now willing to examine more carefully, becauſe I perceive that Examples often have as great an influence upon the Spirits of Men, as the ſtrongeſt and moſt deciſive Arguments.

To be aſſur'd how the Primitive Chriſtians behav'd themſelves, who could not but be acquainted with the Practice of the Apoſtles and their Succeſſors, we need only to take notice of the Terms of their Liturgies: which the learned Dr. *Hammond* hath quoted in his Annotations on the 2*d* Chap. of the firſt Epiſtle to *Timothy*. Of theſe four ſorts of Prayer 'tis affirm'd by St. *Chryſoſtom*, that they were in his Time all uſed in the Church, ἐν καθημερινῇ λατρείᾳ, in the daily Service, ἢ τοῦτο, *ſaith he*, ἴσασιν οἱ μυσταὶ τῶν, καθ' ἑκάστην ἡμέραν γίνεται ἢ, ἐν ἑσπέρᾳ ἢ ἐν πρωΐᾳ, *and this is ſufficiently known to all the Prieſts, or thoſe that officiate Morning and Evening*. And ſo it appears by the Liturgies. The word δεήσεις referring to the larger or leſſer *Collecta*, that in the Litany for deliverance from all the Evils there named; and the other after, in which the Phraſe τὰ κυρίε δεηθῶμεν, *we humbly beſeech thee, O Father*, is uſed, which is for the averting of Evils. The ſecond to the Prayers for Mercy and other Wants. The third to the ἀιτήσεις, wherein the word αἰτησώμεθα, *let us pray for the whole State of Chriſt's Church, for Kings*, &c. is inſerted. And the fourth to the Solemn Thankſgiving for all Men, and to the Hymns ſung

Behaviour of the Primitive Chriſtians.

sung to the praise of God. And it may be observ'd that the direction here of praying for Kings, *&c.* is agreeable to that of the *Hebrews*, *R. Chaninath in Pirche Aboth*, C. 3. S. 2. *Pray for the Peace of the Kingdom, for unless there be fear, men will devour one another alive.* And so when *Petronius* came to set up *Caligula*'s Image in the Temple, they that would die rather than that should be done, being ask'd then whether they would wage War with the Emperor, answer'd, No; but on the other side, twice a day they offer'd Sacrifice for the Safety of the Emperor: see *Josephus*, and *Jer.* 29. 7. Accordingly was the Christians Practice, as long as the Emperors continued Heathen, praying in their Liturgies ὑπὲρ βασιλέων for Kings; after when they were Christian, δεόμεθα ὑπὲρ τῶν εὐσεβεστάτων καὶ θεοφυλάκτων βασιλέων, *We pray thee for our most pious Kings, Defenders of God, or of the Faith of Christ*, as it is in St. *Chrysostom*'s Liturgy; and that ὑπὲρ κράτους, νίκης, διαμονῆς, εἰρήνης, ὑγείας, σωτηρίας αὐτῶν, *for their Power, Victory, Continuance, Peace, Health, Safety.* The very things which they pray'd for them, when they were yet Gentiles, saith *Tertullian* in *Apol. Sine monitore precamur pro omnibus Imperatoribus vitam illis prolixam, Imperium securum, domum tutam, exercitus fortes, Senatum fidelem, populum probum, orbem quietum*; *We pray for a long Life to our Emperors, a secure Empire, a safe House, valiant Armies, a faithful Senate, a good People, a quiet World.* This was after done for *Arrian* and Heretical Kings, as *Constantius*, παρακαλοῦμεν τὸν Θεὸν ὑπὲρ κοινῆς πάσῃ ἐκκλησίᾳ εἰρήνης, ὑπὲρ τε τοῦ κόσμου εὐσταθείας ὑπὲρ βασιλέων, ὑπὲρ στρατιωτῶν, καὶ συμμαχῶν, saith *Cyrillus*, Cat. 10. *We beseech God for the common Peace of the Churches, for the Quiet of the World, for our Kings, their Soldiers and Auxiliaries.* Thus far the Learned Doctor.

Antient Liturgies.

Accordingly I desire you to take notice,

1. That this was a set Form, in which nothing might be chang'd, except only the Name of him that was raised to the Throne.

2. That it doth not appear by any Record of the Church, that the reading of these Prayers was ever suspended in any Case whatsoever.

3. That there never arose any Controversy in the Church, about what Emperor they were to pray for; the Church always acknowledging him to be Emperor, who had that Title in those places where 'twas settled.

4. That there never happen'd any Schism on this account, during all the manifold Revolutions of the Empire.

5. That there never was a Canon of Council made to regulate the Penance that was to be impos'd upon those that had pray'd for an Usurper against a lawful Prince.

6. That it doth not appear that ever any Heathen Emperor persecuted the Christians of one Country, for having prayed for him who had usurp'd the Empire in the places where they lived.

7. We do not find that ever any Christian, in his Commentaries upon the Scripture, hath taken notice that it was the Belief of the Church that they ought to make a distinction between an Usurper of the Empire, and a lawful Emperor, before they made Prayers for him.

Instances of the Christians under M. Antoninus.

Would you have some Examples to evidence to you the Truth of these Observations? *Cassius* in *Syria* revolted against *Marcus Antoninus* the Philosopher, at the Sollicitation of *Faustina* the Emperor's own Wife: And upon the News that was spread abroad, that *Mark Antonine* was dead, he usurp'd the Absolute Power that had been confer'd upon him by the Army which was in *Pannonia*: But this news of the Emperor's Death being found to be a Mistake, he notwithstanding carry'd on his Pretensions, and made himself to be own'd Emperor by the Provinces of *Cilicia*, *Syria*, *Judea*, and *Egypt*. Do you believe, Sir, that the Christians of those Provinces did continue to pray publickly for *Mark Antonine*, and that they refus'd to pray for *Cassius* in their Publick Service? If they had done so, they must have expos'd themselves to the Persecution of *Cassius*; or if they did pray publickly for *Cassius*, they must thereby have separated themselves from the Communion of those Christians who lived under the Empire of *Mark Antonine*. But where do we read that *Cassius* persecuted them for not owning his Authority; or that ever they were excommunicated by the other Christians for having prayed for *Cassius* who was an Usurper?

Tertullian's *Opinion.*

Do not imagine, Sir, that *Tertullian* doth oppose what I here assert, when he saith in his *Apology*, that never any Christians were found to be *Cassians*, *Albinians*, *Nigrians*; as if the Christians who liv'd in those Countries where *Cassius*, and afterwards *Albinus* and *Niger* had revolted, the first against *Mark Antonine*, and the other

other two againſt the Emperer *Severus*, had refus'd to pray for theſe Uſurpers, and had always in their publick Service pray'd for *Mark Antonine*, and for *Severus:* but his Deſign only was to aſſert, that never any Chriſtians had a hand in theſe Conſpiracies, which were always carry'd on by Heathens only. And for the reſt he ſufficiently intimates, that they never concern'd themſelves with examining the Title of thoſe who were in poſſeſſion of the publick Authority, when he ſaith, ſpeaking in the Name of the Chriſtians; *Nobis nulla res magis aliena, quam Publicæ, unam omnium agnoſcimus Rempublicam Mundum:* that is, no matters are greater Strangers to us, than thoſe of the publick; we are not much concern'd for any other Commonwealth beſides the one great Commonwealth of the World.

Chriſtians their Behaviour under Zenobia.

Do you believe, Sir, that the Chriſtians of the *Eaſt* pray'd for *Aurelian*, whilſt they were under the Power of *Zenobia* Wife of the Emperor *Odenat*, whom *Galienus* the Emperor had aſſociated in the Empire, and whoſe Right ſhe maintain'd in favour of her Children, againſt *Aurelian*; or that after the Defeat of *Zenobia* by *Aurelian* they refus'd to pray for him, under pretence that *Zenobia*, and her Children, for whom they had pray'd before, had their lives given them by the Emperor? Did not the Fathers of the Council of *Antioch* acknowledg the Authority of *Aurelian*, as ſoon as he had vanquiſh'd *Zenobia*, by petitioning that Emperor to drive away *Paulus Samoſatenſis* from his Epiſcopal Manſion, which they could not obtain of *Zenobia*, who had ſupported him in oppoſition to their former Judgment?

Can you imagine that ever the Chriſtians concern'd themſelves to interpoſe their Judgment in oppoſition either to the Senate, or the Army, when the Army having nominated an Emperor in the *Eaſt*, the Senate nominated another in the *Weſt?* as it happen'd after the Death of *Aurelian*; and that they pronounc'd which of theſe two was the lawful Emperor, to the end that they might lawfully and of right pray for him, in refuſing to pray for the Uſurper? Or do you believe that the Chriſtians of *Africa* did not pray for *Alexander*, who had caus'd himſelf to be proclaim'd Emperor there; or that thoſe of *Rome*, and the Dependences of it, did refuſe to pray for *Maxentius* during the five years wherein he poſſeſs'd the Sovereign Authority there?

Refuſing to pray, a ground of Perſecution.

For my part I muſt own, that I cannot conceive, but that, if the Chriſtians had refus'd to pray for thoſe whom they conſider'd as Uſurpers, this their refuſal would have rais'd a Perſecution againſt them, from thoſe who had uſurp'd the Empire; or why thoſe who have tranſmitted the Memory of the Martyrs of the Church, have not made mention of any that ſuffer'd becauſe they refus'd to pray for an Uſurper, being by this means Martyrs, both of Jeſus Chriſt and of the Title of their lawful Emperors. Neither can I any wit better conceive how or by what means the Chriſtians always exactly agreed about the Title of their Emperors, when the People, the Soldiers, and the Senate have been frequently divided in their Sentiments about it. And if ever the Chriſtians were divided in their Opinions about this Matter, in the ſeveral Provinces of their Settlement, how is it that never any Schiſm happen'd amongſt them; and if ever there were any, how is it that the Eccleſiaſtical Hiſtoriographers, who have given us an account of the ſeveral Schiſms, have never mention'd any that was occaſion'd upon this Account?

Behaviour of Chriſtians under Conſtantine.

If you ſuppoſe that the Chriſtians were in ſo obſcure a Condition before *Conſtantine*, that the Heathen Emperors did not mind their Prayers, provided they did but pay their Tribute, and that accordingly they might pray for their lawful Emperors, under the Noſes of the Uſurpers: at leaſt you cannot imagine any ſuch thing to have been ſince 333. when *Conſtantine* had brought the Pagan Religion to truckle under the Chriſtian, and had given the Chriſtians all the Advantage of a Publick Worſhip. After that the Emperor *Conſtantius* was kill'd, *Magnentius* made himſelf Maſter of the *Gauls* in *Illyria*; *Vetranio* takes to himſelf the Imperial Purple; *Nepotianus* cauſeth himſelf to be proclaim'd *Auguſtus* at *Rome*, and twenty eight days after his Coronation was defeated by the Army of *Magnentius*, by which means *Magnentius* continu'd Maſter of *Africa*, *Italy*, and the *Gauls:* Do we read any where that the Biſhops of the *Gauls*, *Italy* or *Africa*, ever refus'd during the three years of the Reign of *Magnentius* to pray for him? When *Julian* took upon him the Purple of the *Gauls* in 360. in ſpite of *Conſtantius*, did the Biſhops of the *Gauls* thereupon refuſe to pray for him till after the Death of *Conſtantius?* When *Procopius* made himſelf to be declar'd Emperor at *Conſtantinople* in 365. do you read that the Chriſtians of *Conſtantinople* did ever think of refuſing to pray for him, or that any were excommunicated for praying for him, during the year of his Reign? When *Eugenius* invaded the *Gauls* after his having kill'd *Valentinian* the younger, did not the

the Bishops of the *Gauls* make publick Prayers for *Eugenius* for the space of two years and more? When *Gildo* in the year 396. possest himself of *Africa*, did not the Bishops of *Africa* for a whole year together make any publick Prayers for him, because forsooth he was an Usurper? When *Constantius* seiz'd the *Gauls* and *Britain* in 407. and continu'd in possession of them till 411. did the Bishops of *Great Britain* and the *Gauls* pray all this time for *Honorius*, without praying for *Constantius*? When *Alaric*, after he had taken *Rome*, made *Attalus* to be chosen Emperor in 409. did any refuse to pray for him in the Countries under his Subjection? When one call'd *John*, caused himself to be proclaim'd Emperor at *Rome* and in the *West*, against the Emperor *Valentinian* III. can any one shew us that the Christians refus'd to pray for him, during the year that he was in possession of *Rome*, and divers other Provinces of the *West*?

Should I go about to run over all the History of the Church and Empire, I could every where make it appear, that this was ever the Behaviour of the Christians in these cases, but because I am to confine my self within the Bounds of a Letter, I shall tie my self to four Examples, which will be sufficient to make you judg of the rest. The first is taken out of the History of *Constantine* the Great, who oppos'd *Licinius* his Brother in Law and Collegue in the Empire, for no other reason but to put a stop to the violent Persecution which *Licinius* had rais'd in the Empire of the *East*, which was his part. How did the Christians behave themselves after that *Licinius* was overcome and forc'd by *Constantine* to betake himself to a private Life? Did they refuse to pray for *Constantine*, under pretence that *Licinius* the Father was yet alive? Or did they continue to pray for *Licinius* the Father, or *Licinius* the Son, whom his Father had declar'd *Augustus*? I know no body that was capable of such a preposterous Behaviour, save only *Eusebius* of *Nicomedia*, who had all along been a great Favourer of *Licinius* against *Constantine*. All the rest of the Christians were overjoy'd at this Revolution, and the Nicene Council blessed God, and order'd publick Thanksgivings for it.

Licinius is oppos'd because of his persecuting the Christians.

See here another Example, which I would desire you seriously to consider. The Emperor *Gratianus* having been assassinated by Count *Andragalbius*, *Maximus* thereupon invaded *Britain*, the *Gauls* and *Spain*, and was there proclaim'd Emperor. Do you suppose that the Churches of these three Great Provinces of the Empire of the *West*, did continue to pray for *Valentinian*, whom *Gratian* had associated in the Empire, and that they refus'd to pray for *Maximus*? Or do you imagine that any Schism happen'd amongst the Christians of these three Provinces upon this Occasion? True it is that there happen'd a Schism between the Churches of *France*, the greater part whereof refus'd to communicate with those Bishops, that had employ'd the Authority of *Maximus* for the punishing of *Priscilian*, so great an Enmity did this Church at that time bear against all Persecution; but we do not read that the other Bishops divided themselves, some of them thinking themselves bound to pray for *Valentinian*, and others for *Maximus* the Usurper. Let any Man read over the Monuments of those times, and he shall no where find any the least Instance that the Christians of *Great Britain* did follow any other order in their Prayers, than the *Gauls* and *Spaniards* did.

Instances under Maximus.

No Communion with Persecutors.

If ever there were a just Occasion to refuse to pray for an Emperor, it was then when *Phocas* invaded the Empire, and usurp'd it from *Maurice*. The barbarous Cruelty which he us'd towards that Emperor and four of his Children, cannot be read without Sorrow; *Theodosius* the Son of *Maurice*, whom his Father had declar'd *Augustus*, had escap'd the Massacre.

Instances of Phocas.

Well, do we find that for all this the Church refus'd to pray for *Phocas*? They who will read the 38*th* Epistle of the XI. Book of the Pope that then was, may judg whether the Church of *Rome*, in the name whereof *Gregory* writes to *Phocas*, after his Accession to the Empire had been signify'd to the Church, and to the *Roman Senate*, made any difficulty to pray for *Phocas*, whom all succeeding Posterity have consider'd as a great Tyrant.

I could easily make it appear that the same Maxims have been follow'd by all the Kingdoms of the *West*, which were rais'd from the Ruins of the *Roman* Empire; but it will be sufficient to alledg only the Example of *France*.

Some years since a great Question hath been started between Father *le Cointe*, and the Doctors of the Court of *Rome*. The latter contending that the *Franks* did not deprive King *Childeric* of the Royal Title, but by the concurring Authority of Pope *Zachary*; whereas Father *le Cointe* rejects this Opinion for a mere Legend, main-

Disputes about Childeric's *Deposition.*

maintaining that the Depoſition of *Childeric* was perform'd by the ſole Authority of the States of the *Franks*. See here what *Papebrocius* writes to prove that it is not improbable, that Pope *Zachary* never ſo much as conſented to this Depoſition, becauſe the whole Body of the Nation judg'd it juſt and neceſſary. 'For it 'was no new thing, ſaith he, for the *Franks*, when they had diſpatcht any of their 'Kings or thruſt them into Monaſteries, to ſubſtitute others in their Room, ſuch 'as were indeed of the *Merovingian* Line, yet not always thoſe that were the next 'Heirs in a right Line of Succeſſion; as is evident to any one, that reads the Hiſtory 'of *Gregory* of *Tours*, ſtuft with Royal Tragedies and Revolutions, wherewith the 'Popes never concern'd themſelves, or enquir'd into the Right and Title of thoſe in 'Poſſeſſion of the Throne, by what means ſoever they got to it. And when ever 'did the Patriarchs of *Conſtantinople* refuſe to crown, or the *Roman* Biſhops to own 'thoſe Emperors, which Fortune any way ſoever offer'd to them? For ſeeing none 'of the Biſhops, nor of the Abbots, nor any of thoſe Perſons, who at that time were 'accounted famous for their Learning and Sanctity, did oppoſe the Elevation of 'King *Pippin*, if Pope *Zachary* had undertaken to oppoſe it, his Oppoſition would 'have been to no purpoſe againſt ſuch an unanimous Reſolution of the whole King-'dom, already executed; and to which nothing was wanting ſave only the Cere-'mony of the ſacred Unction or Coronation. The Reaſon of my alledging *Pape-brocius*, that famous Compiler of the Laws of the Saints, is only to let you ſee, how true the Matter I have here advanc'd is, *viz.* That the Church never at any time refus'd to pray for thoſe, who have been own'd by the Body of the State, and that the Chriſtians in all Ages have been infinitely eſtrang'd from that Maxim whereon ſome Men do now build the Schiſm we deplore, *viz.* That it belongs to the Church to judg who is the lawful Sovereign, and that ſhe can and may conſider him as an Uſurper, who is own'd by the State; and that its Members ought to refuſe to pray for him, and to ſeparate themſelves from thoſe who do, as from Perſons that openly violate the Laws of God, and the Obligations of Conſcience; which I heartily wiſh theſe Gentlemen may take into their ſerious Conſideration. *I am*, &c.

Pope Zachary had no hand in the Depoſition of Childeric; *but the States.*

Reflections upon the late famous Petition of the Common Council of LONDON, *and the Well Timing of it*, &c.

Printed in 1691.

See P: 787. ✓ *.

THERE is all the reaſon in the World to be aſſur'd, that the grand and moſt capital Enemies of this Kingdom are now at work; and that they are labouring to undermine and ſubvert all the Pillars that ſupport the Peace and Welfare of the Nation. Theſe Men cannot endure to behold ſuch Perſons in Authority, as they well know to be Obſtructors of their Deſigns. How theſe Men labour'd formerly tooth and nail, by their diligent and illegal canvaſſing at the Elections for Magiſtrates of this City, to favour the arbitrary Courſes of the Court at that time, and what the fatal effects of their Choices were, is ſtill too freſh in Memory to be forgot. Nothing would ſerve their Turns but Lord Mayors, that contrary to the Rules and Maxims of Truth and Honeſty, would yield a ſlaviſh Compliance to the Violences and Uſurpations of the two preceding Kings upon their Religion and Liberties. Nothing would pleaſe them but Sheriffs, to pick and cull out Jurymen, by their partial Verdicts to authorize the Murders of good Men, by Perjury and Subornation: And all this to promote the Intrigues, and proſper the leud Contrivances of thoſe that ſought the Deſtruction of their Laws, their Liberties and Religion.

The Deſigns of the Jacobites *expos'd.*

Now that the ſame Deſigns are ſtill carry'd on, is plainly evident from hence, that the dormant Plotters of the Nation's Ruin ſtill make choice of the ſame Tools and Inſtruments which they made uſe of before: Some that ſtand recorded ſtill in ſundry Trials, for offering up thoſe Sacrifices to arbitrary Power, that were ſo

barbarouſly innuendo'd to the Ax or Gibbet: Others that ſo fawningly and ignominiouſly contributed to the Surrender of the antient Rights and Franchiſes of the City, with no leſs Treachery to their Poſterity, than Infidelity to their preſent Truſt. Such a Spirit of Jacobitiſm, not to be exorcis'd by all the Force of common Senſe and Reaſon, poſſeſſes theſe People even to Fury and Frenzy, faſcinated withal by the plauſible Inſinuations of thoſe Non-reſiſtance and Paſſive-Obedience Gentlemen, that act againſt the very Doctrines which they ſo loudly trumpet forth themſelves; as if it were unlawful to reſiſt King *James*, but lawful to plot and conſpire againſt K. *William*. And yet what they can ſee in their abdicated K. *James*, that ſhould draw their Affection and Obedience toward him with ſuch a Magnetick Violence, is that which ſurpaſſes the Underſtanding of all intelligent Men. So that if Juſtice and Moderation in Rule, if Courage in the Field, and Tenderneſs toward the People, if Prudence in Conduct, and a ſedulous Care of the publick Welfare, all which are eminently conſpicuous in King *William*, be the Characters that denote a good Prince, there is nothing of this, as their own Experience has found, that is to be diſcern'd in King *James*, but all quite the contrary. So that moſt certainly, there never was a more unlucky Act, either of Ignorance, or Folly, or Madneſs, committed by a hundred and eighteen Perſons, pretending to be rational Creatures, than to expoſe themſelves under their own Hands, for Fools and Knaves to all *Europe*. And that which ſeems moſt ridiculous, is their ſetting their chief *Nicodemus* in the *Van*.

Jacobite *Deſign carry'd on ſtill.*

For this Deſign is ſo laid, as not to be confin'd within the Bounds of *Great Britain*; it extends its intended Influences upon all the preſent Emergences of a fourth part of the World, in ſuch a critical Conjuncture of Affairs, as Hiſtory can hardly parallel. For *Europe* is now either to break the Fetters which are preparing for her by an ambitious Monarch, or elſe to ſee herſelf loaded with the Chains of Gallick Servitude to Perpetuity. And by an auſpicious Act of Providence, to the Aſtoniſhment of Hiſtory, his preſent Majeſty of *Great Britain*, united with his Parliament of *England*, is, under God, the chiefeſt Comfort of her doubtful Hopes. The Confederate Princes look upon his miraculous reſtoring of *Great Britain* to her antient Liberty, to be a Teſtimony that Heaven has farther deſign'd him to deliver *Germany*; and derive a moſt probable Omen from his ſpeedy Triumphs in *Ireland*, that the *French* will be as unable to withſtand him upon the *Rhine*, as they were at the *Boyne*.

While all *Europe* remains in this Suſpence, and full of Expectations from *England*, what may we think of thoſe that toil and moil to obſtruct a Deſign ſo glorioufly tranſcendent, upon the good Succeſs of which depends not only the Peace and Welfare of all *Europe*, but the eternal Honour and Glory of their own Nation? Can thoſe ſhort-ſighted Common-Council-Men then, that labour to obſtruct it, take it ill to be accounted *Rapparees*? Or can thoſe Paſſive-Obedience and Non-Reſiſtance Gentlemen, that make it their buſineſs to impede it, be offended, if they are not look'd upon to be ſo much as Chriſtians, while they take part with the *French*, in League with Infidels, to ſhare the Spoils of *Chriſtendom*?

However this is the Godly Proteſtant Deſign afoot, and the Petitioners are made the Tools and Cullies to drive it on: Unhappy in this, that they who ſpur 'em forward, get all the *Louidores*, while they are forc'd to drudg for nothing; no, not ſo much as a Treat at the Tavern. And there is another Misfortune that attends them, that it is their Intereſt to be accounted rather Fools and Madmen, than Perſons of Wit and Diſcretion: For ſhould the World be ſo uncharitable, as to believe them truly ſenſible of acting for *Lewis* XIV. as they do, under the pretences of being good Subjects to King *James*, the Scandal would be much more fatal to their Reputation. And indeed if this Conſideration do not retrieve 'em ſpeedily from their Miſtake, the conſequence naturally flowing from their Perſeverance will be, that like thoſe who ſet them on, they will be concluded Traitors to their Country. The *French* King was ſure of King *James*; but he being gone, his Hopes are now in the Common-Council of *London*. His Majeſty wants a Supply to anſwer the Expectations of all *Europe*; and *Lewis* XIV. can find no other way to obſtruct their generous Proceedings, than by an unſeaſonable Petition of the Common Council of *London*, and bringing the petty Brabbles of Wardmotes before the Parliament, to interrupt the Grand Affairs of *Chriſtendom*. Certainly theſe Petitioners cannot chuſe but know, if they underſtand any thing, that it is both the Deſign and Intereſt of the *French* King to reſtore King *James* to his abdicated Throne, if he can, as knowing him to be a ſure Card in his Pack. They cannot but apprehend, if they have common Senſe, that *Lewis* XIV. hugs *James* II. and compaſſionates his Misfortunes, not for any Eſteem that he has for his Perſon, but under the Pretence of aſſiſting the

Obſtructing of Supplies aimed at.

the Catholick Religion oppreſſed in *England*, and a Catholick Prince that has forfeited all his Rights of Sovereignty, to foment and cheriſh Faction and Diviſion in a Country, where he dreads nothing more than their united Force againſt him. They cannot be ſo ignorant as not to be aſſur'd, that there can be nothing more to the Advantage of *France*, conſidering the preſent Criſis of her Affairs, than a well contriv'd Confuſion in *England*. Yet theſe are the Men that pretend to be ſuch Minions of the Church of *England*, the Cream of Proteſtantiſm, the only Men of Honeſty and Loyalty: Theſe are the Men that ſuffer themſelves to be led by the Noſes, and made the Tools and Inſtruments in the Hands of Popiſh Proſtitutes, and Mothy Proteſtants, to carry on the deteſtable Deſigns of thoſe, who having once already laid the City in Aſhes, as the great Obſtruction of their Bleſſed Machinations, would now again inflame it with Combuſtions of another nature; tending nevertheleſs with an equal Ardency to *Palatinate* Ravage and Depopulation.

Church of England Men promoters of it.

Now then as to the little Engine made uſe of to unhinge, or at leaſt retard the united Counſels of the King and Parliament, it is call'd, *An Humble Petition of the Members of the Common-Council of the City of* London, *thereunto Subſcribing*. Wherein are to be conſider'd the Timing of it, the Grounds of the Complaint, the Perſons complain'd againſt, and the Perſons that complain. As to the Timing of it, the Promoters of this Petition no leſs underſtand than *France* is well aſſur'd, that if *England* recover her Priſtine Glory, ſhe muſt fall; and that her *Flower de Luces*, that have ſo long overſhaded *Europe*, muſt give way to King *William*'s Laurels. *France* contends for an unjuſt Empire, and to wreſt from the Hands of many Sovereign Princes, in the quiet Enjoyment of their antient Inheritances, a Univerſal Deſpotick Monarchy, to gratify her Exorbitant and Boundleſs Ambition. And to compaſs this Deſign, he tramples upon all the Laws of God and Man; omitting nothing that Impiety and Contempt of Heaven can infuſe into his Breaſt. On the other ſide, King *William*, with a Generoſity far ſurpaſſing that of the antient *Hero's*, ſo famous for ſubduing the Tyrants and Deſtructive Monſters of thoſe Ages, makes it his ſole Buſineſs to reduce this Monſter of Men to Reaſon, and thereby to reſtore Tranquillity and Freedom to all *Europe*, as he has already done to his own People: An Undertaking altogether Vertuous, altogether God-like. The Parliament applaud His Majeſty's Deſign, and unanimouſly concur to furniſh him with Supplies proportionable to ſo great and ſo expenſive an Enterprize. But in the midſt of their Important Debates, an impertinent Petition muſt be clap'd into the Houſe to give a Check to their conſpicuous Induſtry for the good of all Chriſtendom, now making her laſt Efforts to reſcue her ſelf from perpetual Bondage. Was this a Time to trouble the Parliament with City Quarrels and Diſputes about inferior Elections, when the general Welfare of *Europe* lies at Stake? So that had it only been the diſtreſſed Duke of *Savoy*'s ſingle Relief, it had been worth a Hundred of thoſe petty Controverſies.

The timing it.

But this was not all, for the Promoters of this Petition ſeem to be Men that lov'd to Nick a Buſineſs; and therefore believing there would be a ſudden Receſs of the Parliament, in regard of His Majeſty's ſpeedily intended Voyage for *Holland*, they thought it moſt proper to interrupt the ſedulous Conſultations of the Houſe for the King's Supply, when they conceived them to be moſt ſeverely pinch'd for time, and that it behov'd the Commons to improve every Moment for the King's Buſineſs. For by this means they imagin'd they ſhould find ſo much Work for the Parliament, that they ſhould not be able to compleat the King's Supply before he went into *Holland*; and by that Artifice to fruſtrate, or at leaſt retard the King's intended early Preparations. And this is ſo agreeable to the Mutinies and Interruptions of the ſame Perſons, when conven'd but the laſt Summer to ſupply Her Majeſty with Mony to reinforce the Navy with Ships and Men againſt the *French*, then hovering upon our Coaſts, that it may readily be concluded to be a Contrivance of the ſame Head-pieces, and for the ſame Treacherous ends.

King *Charles* the II. brought a Juſtice of Peace upon his Knees in Council, notwithſtanding the Pleas of his Father's and his own Loyalty, for committing an Exciſe-man too ſevere perhaps in the Diſcharge of his Duty; and his Reaſon was this, becauſe the Gentleman obſtructed the gathering of his Revenue: But much more juſtly do theſe Men deſerve the King's Diſpleaſure, that go about to ſtop the very Springs of ſpeedy and neceſſary Supply, at ſuch an Important Conjuncture as this. There is a ſmall Treatiſe lately publiſhed in *French*, under the Title of *the Empire and Emperor betray'd*, wherein the Author makes it plainly appear, what Tricks of Legerdemain the *French* King practis'd to retard and diſappoint the Emperor's Preparations

The French King's practices to obſtruct early Supplies every where.

Preparations againſt him. And in the Life of the Duke of *Lorrain*, now lately printed, it is but too notoriouſly remarkable, how that Renowned General loſt the Advantages of a whole Campagn, in regard his Officers refuſed to give *Crequi* Battel, which he had always declin'd till that fair opportunity, becauſe Supplies of Mony, and other neceſſary Proviſions, retarded by Artifices and Tricks of the *French*, were never ſent, as they ought to have been, to the Imperial Army; of which the Duke himſelf made loud Complaints upon his return to *Vienna*. Now certainly the *French* King is ſtill *Lewis* XIV. But in the mean time 'tis a great Honor to the Subſcribers of the Common Council Petition, that they have no Motion, but what they derive from the Wheels of *France*. And indeed were not theſe things moſt obvious to common Senſe, and the long Experience of the two late Reigns, our ſubſcribing Members of the Common Council might object and ſay, they were not born Politicians: However tho 'tis believ'd there are very few will object againſt their Objection, yet the very Inſtinct of ſelf-preſervation common to Beaſts, would inſtruct them better, than to act for the common Fo of Mankind, becauſe he happens to be a ſelf-ended Friend to King *James*.

What further uſe they would have made of this nick of Time, may be readily conjectur'd; for ſome believe that they hop'd for great Alterations in the City upon their ſubſcribed Petition, and then they would have had the World in a String. They would have had all the Chief Magiſtrates of this City of their chuſing, and then all things would have gone right for King *James* and King *Lewis*. For at this time their Intereſts are not to be ſeparated. King *Lewis* is at this time endeavoring to relieve *Limerick* in *Ireland* with Arms and Proviſions, and therefore it behoves the Subſcribers to obſerve his Motions, and buſtle in time to ſupport his Contrivances in *England*. The Critical Conjuncture requires it; *aut Nunc*, *aut Nunquam*. Their unneceſſary Cavilling and Wrangling to diſappoint the Supplies that Queen *Mary* demanded when the *French* were at our Doors, and their Invaſion every Hour expected (and after ſuch a Diſappointment as that of the Cock-pit Match, it was as much as Men could do) was a nicking act of time: And this ſame Sympathizing Brangle of a Petition to diſappoint His Majeſty, and conſequently the Expectations of all *Europe*, was another nicking of the true Minute; a ſeaſonable dragging of Time by the Forelock, with his Sithe to mow down all the fair Opportunities of making the Nation both Happy and Glorious. So that if we conſider the Time, we ſhall find theſe Subſcribers ſo punctual to King *Lewis*, that if they had been his Clock-makers, or his band of Violins, they could not have obſerv'd his Meaſures more exactly.

Jacobites talk confidently of K. J. his return.

And this Aſſurance, that they have Inſtruments ſo punctual to their Time, is that which makes the Jacobites as confident of King *James*'s Reſtauration, as the *Turks*, with an implicit Faith, believe the return of *Mahomet*. They talk of it one among another with ſo much certainty, as if another Monk were marching to *Dover* to receive him. And therefore it was, that a Carrier and two Caſſock'd Miniſters diſcourſing together in the Kitchin at *Gerards-Hall* but t'other day: *Well Maſter*, ſaid the Carrier--*what--d'ye think we ſhall have King* James *again?*—*As ſure*, quo' the Miniſter, *as thou art a Living Man*—*But when*, quo' the Carrier—*Before the end of next Summer*, *I'le hold my Life on't*- quo' the Miniſter. With a great deal more of this Riffraff, which was over-heard by the Cook-Maid, of whom they were not ſo cautious, as perhaps they ought to have been. 'Tis true, that one of theſe Canonical Gentlemen had never taken the Oaths to King *William* and Queen *Mary*, but the other had; yet he was ſo far from interrupting the Diſcourſe, that he ſeem'd extreamly pleaſed with the Tidings.

Now it is impoſſible for theſe Men, unleſs their Rational Souls have forſaken 'em, to be ſo confident without any Grounds of Aſſurance: Or ſuppoſe their Hopes may be vain, or at leaſt become fruſtrated in the end; yet it is impoſſible for them to tickle their Fancies, without ſome Straw or other of a Probability, tho ever ſo airy. Among the reſt therefore, it may be juſtly conjectur'd, that the Contrivance of the Subſcribers Petition was one; a thing well known at that time to thoſe two diſcreet Miniſters, and upon which a great part of their Hopes depended, tho they would not impart all their Knowledg to the Carrier.

The Heads of the Petition.

As to the Grounds of the Complaint, the firſt is, *that ſeveral Aldermen of the City, ſo made by virtue of Commiſſions from the late King* James *under his Great Seal, ſtill act as Aldermen by that Authority, under pretence that they are ſtill continued by ſome doubtful Expreſſion in the Act of Parliament for Reverſing*, &c.

That

That Sir Thomas Pilkington, *was not duly declar'd Lord Mayor.*

That Mr. Robinſon *was unduly impoſed upon the City for Chamberlain of* London.

That ſeveral Members of the Council are illegally excluded.

That the Lord Mayor and Aldermen have aſſum'd the Execution of the Office of Town-Clerk, vacant for above three Months, into their own Hands, and appointed ſeveral Perſons to execute the ſame, without the Conſent of the Common-Council, by whom that Officer is only Eligible.

That they themſelves have not been ſuffer'd to Meet and Conſult about the neceſſary Affairs of the City.

And laſtly, *that they having agreed to make their Addreſs to the Parliament for ſetling their Grievances, the Mayor refuſed it, and to prevent their Application, diſſolv'd the Court.*

All which Complaints are grounded upon the Subſcribers Hopes, *that the late Act of Parliament for reverſing the Judgment in the* Quo Warranto, *would have reſtor'd the City to its antient Rights and Privileges.*

To theſe ſeveral Allegations, particular Anſwers have already been printed with Allowance of publick Authority, poſitively aſſerting the Subſcribers Aſſertions to be untrue, the mere Clamours of Calumny and vexatious Falſhood in the relation of matter of Fact; the moſt part already made apparent by the fair Proof of Perſons upon their Oaths. To which Anſwers, needleſs to be repeated here, the Reader is refer'd. *Anſwers already made to all thoſe Heads.*

However there is this farther to be remarked; that ſurely the Subſcribers had a very mean Opinion of the Wiſdom of the Houſe of Commons, to believe that ſo great an Aſſembly would fall immediately upon the Lord Mayor and Aldermen, without examining the Verity of the Subſcribers Allegations. For if they did not believe that, they could not imagine that a Petition ſtuf'd with untruths, tho ever ſo plauſible, could ſtand the Teſt of Parliament-Inquiſition. But it ſeems the Subſcribers aſſum'd the ſame Liberty in appealing to the Parliament, as they that firſt launch into Chancery Suits, who take the liberty to put into their Bills whatever makes for their Advantage, whether True or Falſe. But however ſuch Proceeding may be allow'd in Chancery, the Subſcribers could never expect from an Untrue and Litigious Appeal to the Commons of *England*, any better Succeſs than what they have had. *Allegations falſe.*

It remains then to be a Raſh and Inconſiderate piece of Inſolence, to diſturb the Conſultations of ſo great an Aſſembly, buſily imploy'd in the moſt Important Affairs that perhaps will ever come under their Debate again; ſince the Parliament of *England* is now the Parliament of the whole Proteſtant World. And therefore ſince the Subſcribers could not expect to be reliev'd from Grievances, where there was only a great Cry and a little Wool; it follows of courſe, that their Petition was only a propenſe Contrivance, to render abortive the wiſtful Expectation of all *Europe*. Had their Grievances been real, they had been unſeaſonable; but as they were only Complaints, without any juſt Grounds, it was an unmannerly Affront to offer Cavil and Contention to the Supreme Reaſon of the Nation. For he that offers impertinent and groundleſs Complaints to his Superior, thinks him ſurely either very weak, or elſe oblig'd by Preingagement, or elſe that he knows not what to do with his Time; from all which Incivilities toward the Commons of *England*, the Subſcribers are to acquit themſelves as well as they can. But they knew that an Explanation of the Act would take up time, and that was the Subſcribers chief Aim. Tho 'twas a rude Requeſt, for the ſhallower part of the Common Council to deſire an Explanation of the Act for themſelves, when the Lord Mayor and Court of Aldermen, and the wiſer part of their own Members were ſatisfy'd already, and deſir'd no ſuch enlightning of their Underſtanding; as if the Houſe had nothing to do but to gratify their want of Wit or pretence of Scruple; eſpecially when at their own Meeting, they themſelves could not agree upon putting the Queſtion about the Addreſs to be made, nor what words of the Act they would have explain'd. And that tho ſome of their Number made a Motion for ſuch a Queſtion to be put, yet others oppoſed it as ſenſleſs and ridiculous. *The Petition contriv'd to obſtruct the great buſineſs of the Parliament.*

It is alſo farther obſervable, that they who make theſe loud Complaints of the Infringement of their antient Rights and Privileges, were many of them the very Men that ſurrender'd them up with ſuch an eaſy Compliance to the Tyranny of the Court at that time, as if they had been ſo many Shackles that gall'd their Heels. So that in them, it is only to be look'd upon as a Pretence for Diſturbance, to make *Moſt of the Petitioners ſurrenderers of Charters:*

ſuch

ſuch a buſtle for Rights and Privileges, which they contemn'd and ſlighted formerly to that degree, as to prefer the Barly-Corns of Court-Favours before 'em. How did they formerly quarrel with their *Antient Rights and Privileges* in the Election of Mayors and Sheriffs? How did they labour and toil, moil and tug to ſubvert the antient Rights and Privileges of the City, to further and uphold the Tyrannical and Arbitrary Proceedings of the Court? So that indeed, were it not for the ſake of others, they may be ſaid to be unworthy of the Privileges from which they pretend to be debar'd; more eſpecially ſince that now they enjoy them again, they make ſo ill uſe of them, and challenge only the Breach of their Privileges to divide the Nation, and reſtore the profeſs'd Fo of *Engliſh* Liberty: Which leads me to conſider who they are that make the Complaints.

The Nation govern'd 20 Years by French *Counſels.*

It may be truly ſaid, that for almoſt twenty Years together, this Nation was wholly govern'd by the *French* King, under two as obedient Pupils as his Heart could have deſir'd; he prorogu'd and diſſolv'd our Parliaments; told us when we ſhould make War and Peace with the *Dutch*, how we ſhould behave our ſelves at the Negotiation of *Nimeguen:* He adviſ'd the two late Kings to rule deſpotically like himſelf, and to ſubvert the Foundations of the Laws and Liberties of the Kingdom. And theſe Subſcribers are they that ſeem to be ſo in love with his Government, that they would fain have the ſame again. They have ſuch a fond Affection for Slavery and Popery, that they are mad to ſee any body go about to hurt ſo dear a Friend to King *James* as the *French* King. 'Tis pity, they cry, that a poor Prince who has been at ſo many years Expence of Toil and Mony to enlarge his Territories, ſhould loſe the benefit of his Treacheries and waſtful Uſurpations upon his Neighbours, by the Oppoſition of *England*, and therefore they'll do what they can to diſſipate the Storm that hangs over his Head. Shall he protect our *Great and Juſt King* James, and we not lend a helping hand to impede King *William*'s Preparations againſt him? And if a Petition to the Parliament, as we are certainly told, will do the Buſineſs, 'tis the leaſt thing we can do. Theſe are the Men that care not what becomes of their Country ſo King *James* comes in again: They long to be at their old Trade of making work for the Hangman. You may pick up ſeveral of 'em in the famous Trials of the Lord *Ruſſel*, *Rouſe*, Sir *Samuel Barnardiſton*, Mr. *Papillon*, *Bateman*, and thoſe barbarous Proſecutions of Dr. *Oates* for Perjury, under the *Ipſe Dixit's* of that *Tamerlane* of the Law, Chief Juſtice *Jefferies*.

So of the Petitioners betrayers of the City Liberties.

No leſs than Sixty of theſe are reckon'd up to be of the Number of thoſe that ſtrove, with ſuch a ſlaviſh Emulation, to ſacrifice their *Antient Rights and Privileges* to the imperious *Moloch*, Arbitrary Tyranny, on purpoſe to make a mere *Golgotha* of the City; and with a fawning Officiouſneſs reſign'd their own Liberty to inſlave others. So that it is not ſo much to be admir'd, that ſuch Men ſhould be eaſily inveigled by the Enemies of the Government, as it is to be wonder'd how ſuch People ſhould be admitted to the Advantages of being qualify'd by their Places to promote the Diſtraction and Confuſion which better Headpieces contrive: For had not the chief Incendiaries ſuch Tools and Inſtruments as theſe, they would be at a great loſs. King *James* would ſuffer none to be rampant in his Reign, but ſuch as with open Arms embrac'd his Arbitrary Rule: But ſuch is the gentleneſs of this Government, in hopes to reclaim theſe ſtubborn and reſtleſs *Jacobites*, that it admits them into the very Boſom of it; while they are ſo far from being mollify'd by ſuch an Indulgence, that they only croud by head and ſhoulders into places of Action on purpoſe to do Miſchief.

Zeal for the Church of England *their great Pretence.*

'Tis true, they ſhelter themſelves under a Pretence of being great Zealots for the Church of *England*; but whether it be not a Service more grateful to the Church of *Rome* than that of *England*, to aſſiſt the recalling of King *James*, is a Queſtion they might eaſily themſelves reſolve were they ſo minded. And as for their Affection to the preſent Government, it was a ſign they had very little, when all the Mony that their Loan to his Majeſty amounted to, was no more than Seven thouſand Pound; and a great part of that too called in again, upon the laſt altering of the Militia. But they are put in ſuch hopes of King *James*'s Return by *May-day* next, as ſome there are who make no ſcruple to give it out, and therefore that King *William*'s Voyage into *Holland* is but an honourable Flight, that upon the Cautions of *Prudence*, theſe Men are tender of doing too much for King *William*, leſt they ſhould forfeit their Reputation to their wiſh'd for Idolater. They are all Flaſh and Self-conceit, Paſſionate and Violent, where the fondneſs of their Dotage hurries them. Three dangerous Compoſitions to miſguide ſuch Perſons that believe

lieve they know more than they do; and never conſider the fatal Inconveniences of future Conſequences. And from ſuch Men as theſe, what Good can be expected toward the ſettling of a Government, that has been labouring above theſe twenty Years under the Diſlocations of premeditated Tyranny, and rather requires the moſt healing and balſamick Remedies, than the pernicious Drugs of Diviſion and Faction, which only feſter and corrode?

There are ſome Men that always hate the Preſent, tho ever ſo good; always covet ſomething to come, tho ever ſo uncertain; and always extol and celebrate what is paſt, tho ever ſo bad. Of this Humour the Subſcribers ſeem to be. But ſuch a Humour will never ſuffer the Kingdom to be at reſt; ſuch People being Tools ſtill ready at hand for thoſe to work withal, that love to ſee their Country always in a fluctuating Condition. And thus they that ſhould bar up all Entrances againſt Sedition and Diviſion, are call'd in to be the chief Perſons that ſet open the Doors for Diſtraction and Commotion.

Who the Promoters of the Petition.

But as the Subſcribers are not alone, ſo it is no hard matter to give a ſhrewd gueſs who they are that both prompt and incenſe precipitate Zeal, wherever they meet with Subjects fit to work upon. And of this number are many that wear the Habit indeed of the Church of *England*, but who make it their chiefeſt buſineſs to promote the Intereſt of the Church of *Rome*, who by virtue of their Profeſſion, gaining an Aſcendent over the Conſciences of many People, make an ill uſe of the Confidence their Admirers have of their Evangelical Probity.

Character of the High Fliers.

Theſe Interlopers in Affairs of State, being once deluded and well inſtructed by the Canonical Politicians that ſit at the Helm of the Church-Militant, are the moſt proper Inſtruments to cajole the Laity. Theſe are the fitteſt Men in the World to ſow Diviſion and Diſcord, becauſe that what they ſay is thought to be deriv'd from Scripture; and therefore the more dangerous, becauſe *Corruptio Optimi eſt Peſſima.* Theſe are for the firſt Employers, whether Temporal or Eccleſiaſtical: So that if either have occaſion to make uſe of their Activity to promote a Faction to diſturb the Publick Peace, or to interrupt the Proceedings of the Government, preſently theſe young *Levites* go and touch their Tongues with a Coal from the Altar; and then like the *Syrian Ennus*, that headed the Slaves againſt their Maſters in the *Sicilian* Servile War, who by holding a Nutſhel in his Mouth ſtufft with lighted Sulphur, breath'd out Fire at the ſame time that he ſpoke, to incenſe the Reſolutions of his Fellow-Captives, they ſputter out their Flaming Divinity, to kindle the combuſtible Matter already dry'd and prepar'd to their Hands, the cauſe of many Conflagrations in State, not ſo eaſy to be quench'd when thorowly blown up. Theſe Men love King *James* for the Inquiſition's ſake, and the *French* King for the ſake of his Dragoons; and think no Government eaſy to themſelves, but ſuch a one as will permit them, with Scourges and Impriſonment, to lord it over the Conſciences of their Brethren: Not conſidering that in King *James*'s Reign, there were four or five Prieſts buſily every day employ'd, for ſeveral months together, in the Augmentation Office, to take an exact Account of all the Lands and Livings in the Kingdom. And they may be ſure thoſe Abby-Lubbers did not take all that pains for their Advantage, had they the Wit to apprehend it. What would then have become of the Enlargement of their Juriſdiction, which now they ſo zealouſly, even to Mutiny and Faction, contend for? Unleſs it be out of an obſtinate Reſolution to uphold and juſtify that antient Adagy of *In nomine Domini incipit Omne Malum.* What fair Promiſes and Engagements King *James* has made theſe *Levitical* Sticklers, they beſt know themſelves; but certainly their ſureſt way is, to have a care how they truſt him.

Prieſts buſy in K. J. his Time in the Augmentation Office.

Clergy to be ſupported in their Juſt Rights.

Moſt certain it is, that the Clergy of the Church of *England* ought to be ſupported in their Lawful Rights, and in all the Power and Dignity that belongs to them. But theſe Men are ſo eager to extend their Eccleſiaſtical Juriſdiction, that their training it ſo high becomes a perfect Mark of extravagant Ambition, obviouſly to be objected againſt, and from which the World draws Inferences no way ſerviceable to the Church in general. And therefore ſince they were ſo paſſionate in their Tranſports for Paſſive Obedience and Non-reſiſtance, under an exorbitant and Law-contemning Reign, they would do much better to practiſe their own Doctrine under a juſt and gentle Prince.

Jacobites the Promoters of the Petition.

In a word, whoever they were that adviſ'd, or fram'd, or ſubſcribed this Petition, it appears by the ill Luck it has had, to have been a malicious, mutinous, and indeed ungodly *Jacobite* Contrivance, to diſturb the Proceedings of the Parliament, the Peace of the City, and by Delays and unſeaſonable Diverſions to diſappoint

and

and fruſtrate an Enterprize more glorious than the Expeditions of our former Monarchs to reſcue *Jeruſalem*, which was only a piece of bigotted and ſuperſtitious Zeal for the recovery of a City, which Heaven it ſelf had deſtin'd to perpetual Deſtruction: This a Deſign of Royal Charity and Generoſity, to reſcue all *Europe* from threatned Servitude, and propagate the trueſt Religion now extant in the World. For which unwary and inconſiderate Act, if the Subſcribers and their Abettors have deſerv'd hard Words, and perhaps ſeverer Thoughts; 'tis no more than what they have brought upon themſelves, for not duly weighing his Majeſty's own Expreſſions in his Speech to the Parliament upon the Second of *October* laſt, wherein he thus concludes:

My Lords and Gentlemen;

I look upon the future Well-being of this Kingdom, to depend upon the Reſults of your Counſels and Determinations at this Time: And the Benefit will be double by the Speed of your Reſolutions; inſomuch that I hope you will agree with me in this Concluſion, That whoever goes about to obſtruct or divert your Applications to theſe Matters, preferable to all others, can neither be my Friend nor the Kingdom's.

Perſons complain'd of in the Petition.

The laſt thing to be conſider'd is, What Perſons they are who are complain'd againſt. And here we are to obſerve, that the Subſcribers chiefeſt Eye-ſore is the preſent Lord-Mayor: He is not for their Turn, and therefore they would have him remov'd! He will not act for King *James*'s Intereſt as they do, and therefore they would have a more ſupple Gentleman that will. They knew full well with what Conſtancy and Courage he formerly withſtood the Torrent of the late Arbitrary Violences offer'd to the City, till by their Aſſiſtance it grew ſo Impetuous, that it bore down all the Mounds of Law and Juſtice before it. They knew that for his thus aſſerting the antient Franchiſes of the City, he became the Object of the Duke of *York*'s Fury, who becauſe he could not faſten any Pretence upon him to take away his Life, reſolv'd to make it as miſerable as he could, and to have crumbled him at length to pieces by the weight of a *Scandalum Magnatum*, under the management of a ſwaggering Judg, a pack'd Jury, and prompted Teſtimonies: nor could ever any Atonement be made to his high Diſpleaſure againſt a Perſon that had ſtood up for the Rights and Liberties of the City, as Sheriff *Pilkington* did, who refus'd to pack a Jury to take away the Life of the Earl of *Shaftsbury*. They knew him to be one of thoſe who thus deeply ſuffer'd at a time, when ſomething in the ſhape of Juſtice hector'd, whip'd, impriſon'd, hung, drew and quarter'd, and beheaded all that came near her, that had incur'd the Popiſh Succeſſor's Wrath. And therefore, as if they ſtill were of opinion that thoſe things were Crimes which were criminal at that time, the old Grudges are wak'd from a long Sleep (nay, whether they were ever aſleep or no is the queſtion) and ſuch an Enemy to the Duke of *York*, and conſequently King *James*, muſt be laid aſide, and ſacrific'd to a ſecond Revenge of former Indignation: For ſince there is nothing elſe alledg'd againſt him but what is only Impertinence and Calumny, it is ſhrewdly to be *innuendo'd*, that the Subſcribers hatred againſt him is of an old Date.

The preſent Ld Mayor an oppoſer of Arbitrary Power in K. J's Reign, and ſuffering on that account.

His Conformity to the Church of *England* is ſo apparent to the World, that the Fort was not to be taken by any Batteries that were to be made on that ſide. His Loyalty to a Prince that has *ſpar'd neither his Perſon nor his Pains to the Kingdom's Good*, that has prefer'd the Satisfaction of his Subjects before the moſt ſolid Advantages of his Crown; his Loyalty to this true *Engliſh* Prince is ſo unſhaken, they could not ſtir it: Therefore he muſt be attack'd with ſpecious Pretences, and plauſible Inſinuations of irregularly adminiſtring the Affairs of the City. And in order to this they raiſe Quarrels and Differences among themſelves, *de Lana Caprina*, ſcruple the Legality of the *Lord Mayor's Election*, when the Scrutiny was wav'd by the Perſons that demanded it, and that they declar'd their Satisfaction in the Choice; challenge to themſelves Authorities which never appertain'd to their Juriſdiction, and bring a Charge of Infringement of their Privileges upon falſe and ſlender Allegations, to peſter and intangle the Juſtice of the Lord-Mayor, and involve the Court of Aldermen in the Broil, on purpoſe to create an occaſion of undue and unjuſt Complaint, while the irregular Returns of Common-Council-Men in the Wards of *Alderſgate* and *Dowgate* are cunningly laid as Foundations for the Mutiny. And then to involve the Parliament in their litigious and groundleſs Contentions, they muſt be petition'd to explain their Act by Perſons out of Com-

mon-

mon-Council, when it was oppos'd as unneceſſary and troubleſome in the Aſſembly it ſelf in a Body together. And all this not much unlike the Hubbubs which ſome People raiſe in the Streets, that they may have an opportunity to deprive honeſt Men of what they carry about them. But as Envy acquir'd by well-doing, begets Eſteem and Reputation, ſo it redounds to the Honour of the Lord-Mayor, that none were ſo great Enemies to the Conſul *Cicero*, as they that were engag'd in the Conſpiracy of *Catiline*.

PLAIN ENGLISH:

Or an Inquiry into the Cauſes *that have frustrated our Expectations from the late happy Revolution, and obſtructed the Progreſs of our Affairs: Conſider'd in relation to the Preſent Conſpiracy.*

Printed in 1691.

And what Advantages have by the foreſaid Means been given to the Enemies of the Government.

The PREFACE.

THAT there is a Plot *on foot for ſubverting the preſent Government, has now appear'd beyond Contradiction: We are at laſt become ſenſible of our Danger. There have been few Perſons undone, who have not by Inadvertency, or otherwiſe, in ſome meaſure contributed to their own Deſtruction. Had the Deſigns of the reſtleſs Faction amongſt us taken effect, it had been too late for us to reflect upon our own Neglects and Miſcarriages, and how far we our ſelves have been acceſſary to our own Ruin. I may perhaps be bold to aſſert, That the utmoſt Contrivance and Malice of our Enemies, could never have advanc'd to any dangerous Degree, if we our ſelves had not adminiſtred thoſe Advantages that ſeem'd both to encourage and facilitate their Enterprize. 'Tis therefore worth our while (eſpecially after the Alarm that has been given us) to enter into a ſerious Conſideration of thoſe Means, Things, and Perſons, by which we have been ſo expos'd to the Aſſault of our Adverſaries; what Irregularities on our part have given them opportunity to moleſt us: Which Enquiry is the Subject of this Treatiſe.* *Plot againſt the Government.*

I cannot pretend in this narrow Compaſs to have enumerated all the Particulars; If I am miſtaken in any, I ſhould be glad to find my ſelf deceiv'd. Amongſt the Miſtakes and Inadvertences that have conſpir'd to betray us, ſome are without Precedent or Parallel: For the reſt, they are (together with their inſeparable evil Conſequences) to be met withal in the Annals of every Age and Country. If in any of the Particulars hereafter treated of I have expreſt my ſelf with ſome warmth, I can aſſure the Reader, it was upon no reſentment for any diſappointment that I have met, or can poſſibly meet with, who neither expect nor deſire any further Charge than my own private Affairs, which are ſufficient for my ſmall Ambition, and more than enough for my Age and Infirmities. I have liv'd to obſerve the evil Effects of Ambitious Avarice for the greateſt part of one Century: What Influence it has had upon the greateſt States and Empires, appears upon Record from

the beſt Witneſſes of Antiquity: I ſhall inſtance only in the moſt flouriſhing, that of the Romans, *which owed its downfal to this degenerate and mercenary Vice.*

Ilicet Ambitio naſci, diſcedere Rectum
Vænum Cuncta dari, &c.

To which we may add the Teſtimony of Lucan:

Hinc rapti faſces pretio, ſectorque favoris
Ipſe ſui Populus lethaliſque Ambitus Urbi.

With whom agree Appian *and* Petronius, *who charge the Civil War upon this very Score.*

Nec minor in Campo furor eſt, emptiq; Quirites
Ad prædam ſtrepitumq; Lucri ſuffragia vertunt,
Venalis Populus, Venalis Curia Patrum.

Corruption the Cauſe of all Diſorders.

So prevailing was this Corruption grown amongſt them, and as Seneca *expreſſes it,* Res Ventoſa nullumque habens Terminum, *Epiſt.* 84. *that ſevereſt Laws were enacted againſt it, as appears by* Suetonius: *Which yet were not ſo ſtrictly obſerv'd, but they gave juſt occaſion for that Remark of* Valerius Max. Utinam *(ſays he)* more majorum, nihil eorum quæ Virtuti debentur, emere pecunia liceret.

But in theſe Anceſtors Days to which he appeals, their greateſt Men had learn'd the hardeſt Leſſon of Virtue, which was pauperiem pati. *And ſo long as the Republick could maintain her Splendor, they glory'd in the meanneſs of their private Fortune.* Niſi forte antiquis illis priſcis Virtutis Viris, Fabiis, Fabriciis, Cincinnatis, grave fuiſſe exiſtimamus quod Pauperes erant, qui Divites eſſe nolebant, *ſays* Salvian. Maſſil. lib. de Prov. & Gub. Dei, 1. *And a little after*; Non deſpiciebant tunc puto pauperes Cultus, cum Veſtem hirtam ac brevem ſumerent, cum ab Aratro accerſerentur ad faſces, & illuſtrandi habitu conſulari illis fortaſſe ipſis quas aſſumpturi erant imperialibus Togis madidum ſudore pulverem detergerent. *If we trace him farther to the Conſequence of this Heroick Poverty, he will tell you,* Itaque illi pauperes Magiſtratus opulentam habebant Rempublicam, nunc autem dives Poteſtas pauperem facit eſſe Rempublicam. *The* Curii *diſdain'd not to dwell under Thatch; but if you would know what Metal theſe noble Cottagers were made of when occaſion offer'd, you will find them to have been* pugnaces.

Et caſa Pugnaces Curios anguſta tenebat. *Claud. in Ruff.*

And again, de 4. Hon. Conſ.

Pauper erat Curius Reges cum vinceret Armis.

Character of the Romans.

But the truth is, the Romans *of thoſe hardy Days could afford to be Poor, as having nothing but the honeſt Wants of Nature to provide for, who is reaſonable in her Demands, and ſubſiſts upon a little Coſt. Their Succeſſors ſet up for Gentlemen of another ſtrain; They contracted ſo many chargeable Vices to maintain, and converted ſo many Extraganees into Neceſſaries of Life, that the Patrimony of their Anceſtors, altho never ſo much improv'd, fell too ſhort for their Occaſions. Employments of State were ſought for, not through Zeal to ſerve the Publick, but for the ſupport of their private Riots and Debaucheries. The Government was become a general Mart, where the richer Chapmen bought by Wholeſale, to ſell out again by Retail.*

Quare tam perdita Roma
Ipſa ſui merces erat, & ſine Vindice Præda. *Petr. Arb.*

Such was the Practice amongſt the Romans, *from whence I will not preſume to draw any Parallel: But rather wiſh to ſee ſuch a thorow Reformation in every Particular that could be any occaſion of Grievance, that the prudence of our Legiſlators, and the Expences of the Publick may not fail of thoſe Advantages that are expected from them; that no*

Admi-

Adminiſtrative Offices and Employments, deſign'd by the Government for Rewards of Honeſty and Merit, ſhould be proſtituted to Purchaſe.

It will appear from the Particulars treated of in this Diſcourſe, that Zeal for the preſent Government, and Concern for my Country, engag'd me on this Subject. If Artifice or Rhetorick had been neceſſary upon this Occaſion, I ſhould have declin'd it: But having only to do with what was viſible and obvious, and what every honeſt Man will readily aſſent to, I was ſenſible that Plain Engliſh *would be ſufficient. We can only bring the impartial Hand of Truth to launce theſe Sores in the Publick Body, and leave the Cure to the Wiſdom of our State-Phyſicians.*

Plain Engliſh:

Or an Inquiry into the Cauſes, &c.

FROM the beginning of the late Revolution, there remain'd nothing for us to do, but to cloſe in a happy Settlement upon thoſe Foundations of Peace and Liberty that might have ſecur'd both our Selves and our Poſterity.

Reflections on the Cauſes of our Diſappointments.

But we have ſince been ſo far remov'd from thoſe good Circumſtances, that we have rather labour'd under the Symptoms of approaching Ruin. It cannot therefore be unſeaſonable to reflect on thoſe Things that have fruſtrated our Expectations: For unleſs we turn ſhort, and recover the falſe Steps we have made, our Enemies may yet be quick enough to intercept, and get between Us and Home.

Avarice one of the Cauſes of our Misfortunes.

To begin therefore with the Grounds and Occaſions of our Misfortunes; We ſhall find a principal Ingredient to have been what the Apoſtle truly ſtiles the *Root of all Evil.* Avarice is a Vice as inconſiſtent with the Health of a Nation where it is predominant, as with the Safety of a private Perſon's Soul, where it has once got the Aſcendent. Honour, Honeſty, Friendſhip, Gratitude, and whatever elſe ſhould be Sacred among Mankind, muſt be ſacrific'd to this devouring Mammon. 'Tis evident from Hiſtory, that when this Corruption has prevail'd in any Nation, Employments and Places of Truſt have thereby been made mercenary. And what better Advantages could the Enemies of ſuch a Country have wiſh'd, than to ſee the Publick Safety ſo expos'd; while the Avenues were left open to ſuch as were diſpos'd to betray it, provided they would but come up to the Purchaſe? And Experience in all Ages has ſhown, that ſuch Enemies will part with all they have in the World beſide, to be qualify'd for Chapmen on ſuch an Occaſion. We ſhall likewiſe find, that many of them have been furniſh'd for the Market by former Poſſeſſions of Places: For there has ſeldom been any Government ſo well eſtabliſh'd, where ſuch wicked Inſtruments have been wanting, who made any ſcruple of ſacrificing their Country to their own private Intereſt: who never took the trouble to conſider the Conſequence of things; for indeed what need they, having been furniſh'd with convenient complying Conſciences, that would ſecure their own private Stake in any change of Affairs that could happen? Moſt Countrys have had experience of the evil Conſequences, where ſuch Vipers have been nouriſh'd at the publick Charge, and receiv'd into the Bowels of the Government, where they act but according to their Nature, if they eat thro and thro. But beſides this ſort of Cuſtomers, we can no ſooner open Shop for ſale of Employments, but we ſhall find the *French* King ready to diſperſe his *Louis d' Or's* to furniſh out his Creatures to be our Chapmen. How then ſhall we expect the Intereſt of the Nation to be ſerv'd by ſuch as are Engines and Vaſſals to the Common Enemy? *Do men gather Figs of Thorns, or Grapes of Thiſtles?* Is it poſſible for us to lean upon ſuch *Egyptian* Reeds, and not to have them pierce our Hands and Hearts too? Good God! Is this the Reformation with which we flatter'd our ſelves? wherein Honeſty and Merit expected to come in play? wherein none ſhould feed upon the Bread of the Publick, but its true and faithful Sons? when Preferments ſhould be turn'd into their Right Channel, and not the meaneſt Truſt put into ſuch Hands as had ſign'd and

ſeal'd to the Ruin of their Country? I my ſelf who am an old Man, and thro a long courſe of Life have ſeen the great Maſter of Wiſdom's Words made good, *That the Race is not to the ſwift, nor the Battel to the ſtrong, nor Bread to men of underſtanding, nor Favour to men of skill*; yet could not upon ſo fair a Proſpect as was open'd to us by the late Revolution, but hope to ſee the Day when Honeſty ſhould meet with Publick Reward.

I muſt once more reſume the Saying of *Val. Max. Utinam more majorum nihil eorum quæ Virtuti debentur emere pecuniâ liceret.* He had but his Wiſh for it, and I am afraid we have but little more. What have our honeſt Sufferers in the laſt Government met withal, but the Honour of looking on? If their Diſappointment centred in themſelves, it were indeed a Misfortune to be pitied; but it is a matter of greater Conſequence, the Publick being in the mean time defrauded of their faithful Services. I would by no means be thought to detract from the Merits and Abilities of very many who are employ'd in ſeveral Stations: But if any *Engliſh* Man will tell me we have no need of a Regulation in this Matter, he muſt be a great ſtranger to his Country, to give him no worſe Character: He muſt be very unacquainted with our Condition, not to know we have been under the Circumſtance of the Apoſtle's Catalogue of Troubles, in *Perils at Sea, in Perils at Land, and in Perils from Falſe Brethren.*

French *Mony a great Cauſe of them.*

There are few Countries in *Europe* where the *French* Coin has not been more than ordinary rife amongſt them; who can all teſtify that the *French* King will know for what he parts with his Mony, as great a Prodigal as he is ſuppos'd to be of it. And it is evident, that in moſt Places he has made no ill Merchandize of his *Louis d' Or's*, but ſufficiently had his Pennyworths in Intelligence. He muſt have had their own Heifers to plow withal, for the finding out their Secrets: And where there is ſuch clever and extraordinary Jugling as he has ſhown, it may be taken for granted, that he had his Confederates in the Operation. He that will not allow his Intelligence from his Penſioners in Employment, wherever they are, has not yet heard of a *French* Fleet braving us upon our own Coaſts, and committing a Rape upon our greateſt Miſtreſs, the *Dominion of the Seas.* Was there ever an opportunity better nickt, to diſturb us at Sea, or threaten us with an Invaſion at Land? If our Danger and his Advantage were not purſu'd ſo far as he expected, it was no thanks to his Dependents, who contributed their beſt towards it. We were not a little oblig'd to the Cowardice of their Inviters, who had neither the Courage nor Honour (if it be not too great an Abuſe of the Term) to make good their promis'd Inſurrection throughout the Kingdom upon ſo favourable a Juncture. But above all, we were ſupported by his Majeſty's moſt ſeaſonable Succeſs at the *Boyne*, which brought a ſurprizing Aſtoniſhment upon their Spirits, and left them motionleſs as Statues. Very few Ages have ſhewn the World ſuch a Darling of Providence in all his Undertakings; and this was a remarkable Inſtance of its Favour. A Victory ſo circumſtanced, ſo wonderfully tim'd, and ſo abſolutely neceſſary to the ſupport of our ſinking Hopes, that it muſt be acknowledg'd miraculous. Cowardice or Treachery (ſays an ingenious Remarker) had oblig'd us to ſtand inglorious Spectators, while our Allies bore the brunt of a Sea-battel; upon this Diſaſter we were ſtunn'd with the diſmal News of a Defeat of our Confederates at Land, and nothing to recover our Spirits, but that Sovereign Cordial of his Majeſty's happy Expedition.

The Queen's happy Conduct.

The only Perſon that could in the leaſt pretend to rival his Majeſty's Conduct and Fortune in that critical Time, was his Royal Conſort, who with a Reſolution above her Sex, and unparallel'd prudence of Menage, contributed to diſpel thoſe Clouds that ſtrove to darken her Sphere. But Princes may be active, and Providence ready to ſecond their Endeavours for the Publick, yet notwithſtanding their Fortune and Conduct, not be able to make thoſe Advances in their Peoples Happineſs which they propoſe, ſo long as they are oppreſt with the dead Weight of National Vices in their State, eſpecially ſuch as have immediate Influence upon the Publick: It is impoſſible for them to ſee beyond the firſt Ranks of their People; and 'tis happy if they can there diſtinguiſh exactly, and ſufficiently know their Men. And the Body Politick, as well as a Private, is capable of being mortally wounded in the very Heel. There is a natural Juſtice in providing for Men of Merit, and the Publick will ſufficiently find its Recompence in their Fidelity. When will *England* be able to boaſt, That Honeſty is a ſufficient Recommendation? The Age is not yet ſo debauch'd, but we can ſee a National Concern take place in other Countries. The very *French* themſelves, as much as we talk of their Slavery and Oppreſſion,

are

are not yet ſo poor (at leaſt in Spirit) as to ſell their Country. All Offices amongſt them are punctually diſcharg'd; the whole Body is animated, as it were, with the ſame Spirit, and moves regularly; while many of ours either wholly neglect the Truſts that are committed to them, or make ſuch fraudulent Delays in executing their Orders, that the Care of our Governors is too frequently fruſtrated, and the Nation put to freſh Charge to make good their perfidious Omiſſions.

In plain *Engliſh*, We are ſo ſick of this Golden Jaundies, ſo infected with this Vice, that without a thorow Purge, we muſt continue in a crazy and languiſhing Conſtitution. By what practice of under-hand Inſtruments, this Misfortune has crept upon us, I will not preſume to determine; but I am certain it was never the Intention of our Governors, to have any Offices peſter'd with ſuch Perſons as ſhew'd themſelves notorious Enemies to their Country in former Reigns; while many who were not only Sufferers in thoſe Reigns, but ſacrific'd the Remainders of their Fortune to aſſiſt in this Revolution, are ſilent Spectators of their own diſappointment, and ſee the Proviſions ſeiz'd by thoſe Harpys that ſerve only to bewray thoſe Tables where they receive their Food.

Ill Underſtanding amongſt Proteſtants, another Conſequence of our Misfortunes.

Our next Misfortune has been the unhappy Miſunderſtanding, or rather Miſrepreſentation of Perſons; our want of making a juſt and timely diſtinguiſhment between our Friends and Enemies. I ſpeak not of Proteſtants and Papiſts, the latter whereof have been always Adverſaries (tho they have likewiſe had their Times of being otherwiſe repreſented) but between Proteſtants and Proteſtants. Nothing can be plainer than that we have had two Proteſtant Parties, who have embrac'd two different Principles, and purſu'd two different Intereſts: but then inſtead of thoſe canting Nick-names of *Whig* and *Tory*, the Diſcrimination ſhould have run between Friends and Enemies to their Country; between ſuch as were for opening Inlets to Arbitrary Power, admitting unbounded Prerogative to ſwallow all, and thoſe who were zealous for the preſervation of our Laws, Religion and Property. Our moderate Man, or true *Engliſh*-Man (call him *Whig*, or what you pleaſe) is one that ſteers between Extremes, and thinks our Conſtitution duly maintain'd, preſerves this Mean in a greater meaſure than any other Nation: That it takes from one the too great Power of doing hurt; and from the other, Confuſion, Parity, and Licentiouſneſs; and yet reſerves a due care of ſuch Liberty as may conſiſt with mens Allegiance. A King in his Notion is ſo exalted and comprehenſive a thing, that he thinks it a kind of degrading the Prince, to lodg that Power ſeparately in his Perſon, which can never be truly Great, but where the People are united to him: For to conſider him under the ſingle definition of a Man, he thinks an impairing of that Veneration which is neceſſary to preſerve his publick Character and our Duty. Yet have theſe ſort of People had the misfortune (I ſhould rather ſay the injuſtice) to be miſrepreſented as Enemies to Monarchy. For what in God's Name! Becauſe they would eſtabliſh the Prince upon the immovable Foundations of Law. This Aſperſion has been at all times made uſe of by Sycophants of State, to exclude honeſt Men from Employments, and a capacity of ſerving the Publick. It is perhaps at this day one of the greateſt Miſcarriages that we labour under. 'Tis a Miſchief that, like a Peſt, has ran thro the Kingdom, but raged chiefly in our Metropolis. It is upon the ſpecious Pretence of being the only Friends to Monarchy, that divers Inſtruments of Injuſtice and Cruelty in the laſt Reign, had the Impudence to come in Competition with the worthieſt Members of our City, and ſometime carried the Election.

Pellitur a Populo victus Cato; triſtior ille eſt
Qui vicit, faſceſq; pudet rapuiſſe Catoni.

We know who it was that held the Rendring unto *Ceſar* the Dues that were *Ceſar*'s, as indiſpenſibly as what was due to God; yet he himſelf could not eſcape the Reproach of being an Enemy to *Ceſar*. It is impoſſible for a Prince to have a perſonal knowledg of his Subjects; it is ſufficient that he leaves us of the City to our free and cuſtomary Methods, of electing ſuch Perſons to ſerve on all Occaſions, as may beſt conſiſt with our Intereſt and Safety.

Who were the Inſtruments of an arbitrary Proceeding in the late Reign.

But we, methinks, in this Time of Deliverance, ſhould know who were our old Task-maſters, and not once more put the Scourge into their Hands. We know who were the Executors of *Pharaoh*'s Cruelty, who cannot forget their old Trade, but endeavour with all their Might to bring us back to the Houſe of Bondage.

What

What a ſhame is it to ſee ſuch Perſons, as upon the late turn of Affairs would have gladly compounded for their Skins, to be now audaciouſly intruding into publick Elections, openly endeavouring to get the whole management into the Hands of the Party; to have our Rights and Liberties at their diſpoſal, while they are ſo far from recanting their former Villany, that they even juſtify thoſe treacherous Meaſures, and have the Hardineſs to acknowledg they would play us the ſame Game over again! *If a Man cheats me the firſt time* (ſays the *Italian*) *it is his Fault; if he cheats me the ſecond time, it is mine.* In vain is the Net ſpread in the ſight of the Birds: And ſhall we again ſuffer them to circumvent us, who are ſo newly eſcap'd from the Snare? A juſt and pious Prince will never be for their Turn. No, They muſt have ſuch a one as will be confin'd to no Bounds of Law or Juſtice; to whoſe unlimited Power they would contribute, to come in themſelves for their ſhare of Oppreſſion: They would contentedly lay their Heads under a Tyrant's foot, to have their Neighbours under theirs.

That this is their Quarrel to the preſent Government, is moſt apparent. They would enlarge, as they pretend, the Prince's Power: They carry him up the Pinnacle of Ambition, to ſhew him an unbounded Proſpect, upon condition he will fall down and worſhip them. Which was the old Tempter's Policy, and admits a double Fallacy. For firſt, It is not in their power to give, altho he ſhould comply: And in the next place, they deſign it not for his Intereſt, but his Deſtruction. They know he is ſafe and impregnable, while circumſcrib'd by Law: The Breaſt-plate of Righteouſneſs is the only impenetrable Armour: That the Defender and Preſerver of the Publick, will be always protected by the Publick: That a good Prince has as many Guards as Subjects: That his Safety is as dear to them as their own private Property. 'Tis our preſent Happineſs to have a Monarch that we can truſt; and our old Seducers are now convinc'd that they can as ſoon remove the Earth from its Baſis, and bring both Poles together, as ever hope to ſee him warp in the leaſt from his ſacred Promiſe. They have therefore no Game left to play, but embroil and trouble the Government, which they cannot corrupt; to endeavour by all Artifices to interrupt the Meaſures of State; to obſtruct the Settlement of Affairs; to make our great Counſels ineffectual, upon which depends not only our Succeſs, but the Safety of all *Europe*. I think we have a ſufficient Inſtance in their late Attempt to put our Imperial City into Confuſion, by Petitioning againſt its chiefeſt Magiſtrate: A Man of that unſpotted Integrity, and ſo true a Friend to his Country, that it were to offer him a ſecond Violence, for ſo unpoliſh'd a Pen as mine to attempt his Character. Every Body ſees thro their Deſign in that Addreſs: They reckon'd they ſhould carry their Point, and get the City into their Hands againſt a critical Juncture, for which they were gaping; or that the Deciſion of that grand Debate would occaſion a precipitate breaking up of the Parliament, when Matters of the greateſt moment to his Majeſty's and the Nation's Intereſt were yet depending. They knew there was but one way to fruſtrate his Majeſty's Undertaking, and that was to cut him ſhort of thoſe neceſſary Supplies that are the very Sinews of War, and Life of Action. The Mony-Bills were not yet paſs'd, and they did their utmoſt to hang 'em upon the Hedg. They had before-hand not only in their private Cabals, but in open Reproaches againſt the Government, expreſt their Good-will; and as they labour'd to make the People uneaſy becauſe of the extraordinary Taxes, (having no other Topick that would faſten upon them, there being always a Sympathy between the Strings of their Hearts and their Purſes) ſo they thought in this laſt Effort, to cut off the Conduit-Pipes of Contribution. Which brings me to a third Conſideration, that has had no ſmall Influence on our unreaſonable and moſt unſeaſonable Diſſatisfaction; for nothing more animates or expedites the Affairs of a Prince, who has great and chargeable Undertakings on his Hands, than a cheerful Giver.

Ill Counſellors.

Mony-Bills obſtructed.

Now 'tis ſo natural to take him for a Friend that adviſes a Man to keep his Mony, and him for an Enemy who perſuades to part with it, that both muſt have recourſe to the ſame prevailing Argument, which is Intereſt. He that can convince us, that he has truly this Second on his ſide, cannot fail to carry the Day: Even the moſt covetous, for the reaſon that they are covetous, will underſtand the Force of this Demonſtration. I will not recite thoſe Dangers that would inevitably have ſwallow'd us, if we had not already contributed largely to the publick Support: But ſtill it is for Liberty, whoſe price is ineſtimable, and an Inheritance which once throughly eſtabliſh'd, never fail'd to overpay the Purchaſe. And I dare appeal to the Conſciences of all the reaſonable Men in the Nation, if they would not have freely contributed more for our Safety and Deliverance, when we were environ'd with

Ruin,

Ruin, than we have either yet expended, or will be farther neceſſary to anſwer his Majeſty's Occaſions. If we ſuffer'd the Inundation of Slavery to break in at once upon us, we muſt be contented to recover by piece-meal. We have a frugal as well as prudent Prince to provide for, who deſires to put us to no farther Charge than what will enable him to protect us. If to effect our Recovery, and bring us to a perfect State of Health, will require Time and Coſt, it is none of his Fault. He has endeavour'd, at the utmoſt hazard of his Royal Perſon, to cut the Work as ſhort for us as poſſible. If his Majeſty has any ſeparate Intereſt from that of his People, we might part grudgingly with our Disburſements; but ſince he calls for no Supplies but what are indiſpenſibly neceſſary for our Preſervation, we ought as cheerfully to contribute to his Support, as the *Dutch* to the maintaining of their Moundings that bank out the Sea from overwhelming them. Theſe Truths are ſo obvious to common Reaſon, that 'tis wonderful that our Taxes and Payments (were they yet heavier than they are) ſhould diſcompoſe the Minds of Men, and be any Occaſion of Diviſion amongſt us. But we are ſtill a mixt Multitude, where the wellwiſhers to *Egypt* are continually putting us in mind of our former Fleſhpots, aggravating the Hardſhips of the Wilderneſs, terrifying us with Apprehenſions of *Anakims*, and invincible Difficulties that are yet to be encountred. Our Elders may conſult, and our *Joſhuas* may fight; but while the treacherous *Achans* are permitted to trouble our *Iſrael*, 'twill be no wonder if our Affairs proceed untowardly.

King's Conduct juſtified.

This brings us to another Conſideration, of the ingrateful Uſe and Advantages that the factious Party among us have made of the Indulgence and Forbearance that has been ſhewn to them. 'Tis a common ſaying, That 'tis pity fair weather ſhould do any harm. I am ſure 'tis ſo in Government, whoſe greateſt and moſt charming attribute is Clemency. But in new Eſtabliſhments, if the Sword of Juſtice be kept perpetually ſheath'd, Malefactors will become inſolent, they will be enclin'd to think the Government looks upon it ſelf to ſtand upon Courteſy, that it is precarious, and dares not take notice of the moſt open Affronts. Their Inſolence long ſince was ſufficient Demonſtration to diſcerning Men of what Deſigns were hatching; which would be worth while to trace from the twilight to the broad-day of the preſent Diſcovery of their Plot. Upon the Appearance of the *French* Fleet on our Coaſts, it was eaſy for us to diſtinguiſh our Men. We ſaw who they were that carry'd tranſport in their Countenance, that excus'd our Diſaſters at Sea, and revil'd the *Dutch*; who they were that compaſſionated King *James* his Defeat in *Ireland*, and ſtrove to leſſen the Reputation of King *William* in that Action. We had been pretty well inform'd of a Memorial ſent to the *French* King from the diſaffected among us, inviting him to their Aſſiſtance in order to introduce King *James*. This Deſign was then a diſputed Point, which tho they had not then the Courage to confirm by their promis'd Inſurrection, they had yet the Impudence to deny. But God be prais'd, there is now ſo much of their Myſtery of Iniquity come to light, as leaves no room for further Doubt. But to conclude.

Ill uſe made by the Faction of the Lenity of the Government.

The Behaviour of the Jacobites.

For the laſt, tho not the leaſt Occaſion of our Misfortunes (that I ſhall mention) we are beholden to a ſort of Men from whom we had the leaſt reaſon to expect it, I mean the diſaffected among the Clergy. 'Tis pity that any of theſe Weeds that have peſter'd our Paradiſe, ſhould grow upon conſecrated Ground. Theſe men I obſerv'd to be the firſt that diſcover'd their diſcontent upon the new Settlement. I would by no means be thought to reflect upon the Church of *England*, whereof I have always profeſs'd my ſelf a Member; a Church that makes ſo great a Figure in the Reformation. But nothing is ſo frequent or pernicious as to miſtake Names for Things. We have been told what the Church of *England* is in the true Notion, that it is the Body of the People and Clergy together in Communion under a Diſcipline and Worſhip eſtabliſh'd by Law. But it has been a Stale Trick of the Clergy in all times, to engroſs to themſelves the Name of the Church. Ours have their Hierarchy, and in God's Name let them have it; and let them in God's Name make right uſe of it. The Word Church, as the matter is now order'd, is made a Camelion that takes its Complexion, and varies with every Light; with different Perſons it is a quite different thing; with ſome it is King *James*, with others it is Slavery, with Bigots 'tis Ceremonies, with the ambitious among the Clergy 'tis the Exerciſe of Dominion. What has more amus'd us than the Outcry of the Church's being in Danger? We know who they were that began the Peal: they were generally the moſt licentious of the Clergy, who were under a panick Fear of Reformation; the only Alteration whereof they could poſſibly have any Apprehenſion. Who more tranſported than this ſort of Men upon the Prince of *Orange*'s Appearance? but

The diſaffected Clergy a great Cauſe of our Misfortunes.

To be for the Church a great pretence.

that

that was a tranſitory Impulſe, and vaniſh'd as ſoon as they were ſenſible, that inſtead of having King *James* deliver'd up into their Management, the Prince was like to fill the Throne. As the Leproſy of *Gehazi* that ſtuck to him and his Houſe for ever, it has been the perpetual Itch of the Prieſthood to be intermeddling in ſecular Affairs; they were deſign'd for glorious Stars, and had their Sphere allow'd them wherein to ſhine, but when they deſcend to lower Regions they degenerate to pernicious Meteors. The wiſeſt Governments have always excluded their Clergy from Affairs of State, from whence they have receiv'd the double Benefit of having their ghoſtly Occaſions better ſerv'd, and their temporal Concerns leſs embroil'd.

Clergy Men no good Politicians.

For of all Men living they have the worſt luck in Politicks; whether it be or not (ſays a judicious Perſon) that the Clergy are not ſo well fitted by Education as others for political Affairs, I know not: tho I ſhould think they have Advantage above others, and if they would but even keep to the Bibles, might make the beſt Miniſters of State in the World, yet it is generally obſerv'd that things miſcarry under their Government. If there be any Counſel more precipitate, more violent, rigorous and extreme than other, it is theirs. Truly I think the reaſon that God does not bleſs them in Affairs of State is, becauſe he never intended them for that Employment. Yet theſe are the men that muſt be cutting us out Schemes of Politicks, preſcribing to Government, and determining the Rights of Princes. What a Hotchpotch have they made with their Kings *de facto*, their *Jure divino*, their Paſſivity and Non-reſiſtance? But theſe are beaten Topicks, which yet I could not but glance upon, becauſe of the ill Blood which theſe Men have caus'd a mong us. If ſome few of their Leaders (for I would be underſtood in all that is here ſaid of the diſaffected Party) have obtain'd a Character of Sobriety and Piety, it may be the better for themſelves; but had they been all of apiece, their Example had been of leſs Influence to diſturb the publick. If a *Corah*, *Dathan* or *Abiram* withheld their Obedience from *Moſes*, their Retinue of Adherers may be thin enough; but if an *Aaron* ſets up a Golden Calf, 'tis no wonder if *Iſrael* worſhip it. But, God be thank'd, we have enough even of their own Cloth to overballance them; and if the Scales were even, we could throw in the Approbation of all reform'd Churches and Societies throughout *Europe*.

The Hierarchy of the Church of E. ſafe.

Even the Hierarchy of the Church of *England* is ſtill ſafe and like to continue ſo, if the Faction amongſt her Clergy (her Steeple and Pinnacle Men) by their perverſneſs and capriciouſneſs do not alienate the Minds of People from them, as there is already but too viſible a Declenſion. For upon whomſoever theſe Men ſhall pleaſe to lay the blame, it will be reply'd to them in the Words of the Satyriſt, *Pace veſtra liceat dixiſſe, vos primi omnium Eccleſiam perdidiſtis.*

Exhortation to the Clergy.

Let me entreat you for your own Sakes to conſider that it is a diſcerning Age in which you live, wherein Bigotry has ſenſibly loſt footing. The greateſt part of the People have learnt to diſtinguiſh betwixt what is taught them by their Prieſts, with regard to their ſpiritual and temporal Welfare, and what is only ſubſervient to the Advancement of the Prieſtly Intereſt. You have your ſelves been ſufficiently convinc'd of the dangerous Conſequence of thoſe enſlaving Doctrines which you made it your buſineſs to preach up in the two former Reigns, what Approaches of Deſolation they had brought both upon the Church and State; *Quæq; ipſi miſerrima vidiſtis, & quorum pars magna fuiſtis.* Amongſt our Outcries in the Houſe of Bondage that aſcended up to Heaven, who were louder in their Complaints than our Tribe of *Levi?* Who appear'd more zealous for the Union that was neceſſary amongſt our ſelves for our common Preſervation? And will you not be contented to have the Scourge taken off from your Backs, unleſs you have it put into your Hands? You would do well ſeriouſly to conſult your own Conſciences, if this was not the pinch that made you ſo reſtive when things were in ſo fair a way for an Accommodation. But whether or no you will be ſo ingenuous as to retract the falſe ſteps you have made, be aſſur'd that the Nation will be ſo juſt to themſelves as to expect it from you. The Publick is ſenſible what Inconveniences it has been brought into by the Prevalency of your Paſſive Doctrines, and may look for a reaſonable Reſtitution, *viz.* That you ſhall make the Nation honorable amends, by being as hearty and zealous in preaching up Obedience to the preſent Government. For till this be done, tho you ſwallow the Oaths, and come in to the laſt Man, there muſt go large Grains of good Nature to allow your Sincerity. You are diſpers'd in ſuch advantageous Poſts of doing good or harm, that till this Reformation be univerſal among you, I know not when we are to expect a thorow Settlement. You are the Rivers and Rivulets every where diſpers'd to water the Garden of our God; but till you have purg'd off

off this Taint, which (let me tell you) you contracted even in your great Fountain Heads, you will imbitter the Soil thro which you paſs. I leave your ſelves to judg if it is not more Honourable for Perſons of your Character, and agreeably to your Function, to rectify the Prejudice of your Education, than to incur the Cenſure of the Satyriſt, *Quod quiſq; perperam Juvenis didicit in Senectute, confiteri non vult.* Many eminent Perſons of our Clergy have done themſelves this Right, and I could wiſh for your good that not one in the whole Set would ſtand out. Give me leave for but this one Requeſt at parting, that you would not think me your Enemy becauſe I have told you the Truth.

POSTSCRIPT.

To the ſeduc'd Perſons among the factious Party.

Countrymen,

FOR under that Appellation I may be allow'd to expoſtulate with you. If you were acquainted with my Years and Circumſtances, you would grant that I had no private Intereſt to ſerve in this Addreſs, nor am capable of any, neither do I apply my ſelf to your whole Faction, but to thoſe among you (for ſome ſuch I muſt yet preſume there are) who would not be engag'd in the Ruin of your Country, but have the Misfortune to be miſled by falſe Notions, and that ſo far as you are concern'd, it is in the Simplicity of your Hearts. Your Concern for the Preſervation of the eſtabliſh'd Church is your main Topick. That the Church of *England* in its true Notion is at preſent under as ſtrong Aſſurance as is poſſible, is viſible even to her greateſt Enemies; ſo ſecure that they have no way left to bring her into Danger, but perſuading you that ſhe is in Danger. There are thoſe Empericks of State, whoſe Artifice it has always been to perſuade us that we were well when we were ſick, and that we are ſick when we are well. They who told you our Church was ſafe under King *James*, are the very Perſons that poſſeſs you ſhe is in Danger under King *William*. By the Event of their former Pretence, you may judg of their Sincerity in the latter. I will put the Controverſy upon this ſhort Iſſue, Whether going to Maſs or communicating according to our eſtabliſh'd Worſhip is the beſt Proof of a Friend to the Church of *England*. Who, think you, is likely to prove the kindeſt Patron to our Church, he who (having ſworn) thinks himſelf oblig'd to protect it, or he who thinks it meritorious to deſtroy it? There is indeed a factious Party of the Church of *England* (as they pretend) who have now brought themſelves into danger, but it is by their own Treachery againſt the main Body of the reſt. If you are ſuch Church of *England* men, I have no more to ſay to you. You are as good Sons of the Church, as thoſe that dated their Letters from on Board the *French* Fleet, or thoſe who at this Day aſſiſt the *Rapparees* to cut *Engliſh* Throats. Good God! will you always perſevere in being Tools and Properties to your and our mortal Enemies the Papiſts? Will you be always their infatuated Adventurers, and be playing their game for them at the hazard of your own Necks and Souls? They have an Intereſt to ſerve in overthrowing our Government, while nothing remains for you, but to ſhare in the common Calamity you endeavour'd to bring upon us, and perhaps to fall their firſt Sacrifices. I wiſh you could ſee them in their private Cabals at this very time, inſulting over your Folly, and making themſelves merry with the Misfortune of thoſe who are engag'd in the preſent Conſpiracy.

Church of England *in great ſafety.*

Who are her beſt Friends.

At the beginning of this Advertiſement, I ſuppos'd you to be *Engliſh* Men, and as ſuch would conjure you to conſider for whoſe Service it is that you expoſe your Lives, Fortunes, and Families. 'Tis not in reality for King *James*, but *Lewis* the Enemy of Mankind, and of Great *Britain* in particular, the *Nero* and *Caligula* of the Age. What Aſſurance can you have from a perfidious Tyrant, who never was known to aſſiſt but with a deſign to deſtroy? What Protection can you expect from him who violated his moſt ſolemn Sanctions to the People that ſettl'd him on his Throne, and who has fatten'd his Soil with the Blood of his own Subjects? By what unaccountable Charm has this State-Conjurer got the aſcendent over Mens Senſes, to perſuade them to court his Chains, to be proud of his Bondage, and to think Slavery to *France* to be *a la mode*; to prevail upon our moſt bigotted Papiſts, to think

their very Pope fallible, when in Controverſy with their infallible *Lewis?* For to the indelible Infamy of the *Engliſh* Nation, it muſt be ſaid, that we are at this time peſter'd with a Crew of both ſuch Proteſtants and ſuch Papiſts as appear Prodigys to their own reſpective Parties throughout the World.

REASONS humbly offered for a Bill againſt Buying and Selling Offices.

Printed about 1691.

The Bill ENACTS, *That the Statute 5 and 6* Edw. 6. cap. 16. *againſt Miniſters and Officers buying and ſelling Officers, ſhall be put in Execution.*

Reaſon. He that buys with his own ready Mony, will be upon the ſpur to reimburſe himſelf; and he that borrows Mony, will be in more haſt to pay his Creditors: And not any that makes haſt to be rich, but will cheat the Government, to lay up a Store, if need be, to purchaſe off his Crimes, which Perſons worthy and meet to be advanc'd to Offices, will not be guilty of.

The Bill Enacts, *That the Proviſion in the ſaid Statute 5 and 6* Edw. 6. *for ſelling Offices, whereof any Perſon is or ſhall be ſeiz'd of an Eſtate of Inheritance, leaves the Perſons at Liberty to make the ſelling Rate arbitrary, or to get as much as they can. Therefore the Bill as drawn ſetteth Bounds, that not any ſhall take more than one Year's Value, to be paid out of the firſt and ſecond Years lawful Fees and Profits, at eight Payments quarterly, if the Officer ſo long live, and enjoy his Office.*

Reaſon. This requiring no ready Mony to be depoſited, will conſequently abate the indirect ways Officers have us'd to reimburſe themſelves.

The Judges have limited cuſtomary Lords of Copyhold-Eſtates in their Demands of Fines uncertain, to two Years Value: *Ergo*, It's reaſonable to have Buyers and Sellers of Offices incident to the Adminiſtration, ſo limited, that Perſons may live honeſtly, and maintain themſelves and Families decently, for the Honour and Intereſt of the Government, which is concern'd in all Offices incident to the Adminiſtration, that the Perſons intruſted may act faithfully therein for the Comfort and Proſperity of the Nation.

The Bill Enacts, *That the Proviſion in the ſaid Statute 5 and 6* Edw. 6. *for the Judges to give and grant Offices, as they might have done, ſhall not be conſtrued for them to ſell.*

Reaſon. The Statute 12 *Rich.* 2. *cap.* 2. 18 *Edw.* 3. *Stat.* 4. and 20 *Edw.* 3. *cap.* 1. then and ſtill in force, being duly put in Execution, will hinder the Judges from ſelling, for they are thereby prohibited to take Fee or any thing of Value, of any but the King.

The Bill Enacts, *That every Chancellor, Keeper, Commiſſioner of the Great Seal, Keeper and Commiſſioner of the Privy Seal, Treaſurer or Commiſſioners of the Treaſury, Steward and Chamberlain of their Majeſties Houſe, Judges of all Courts; in ſhort, every one called to ordain or make Officers under him, ſhall be ſworn to take no more, in or for any thing relating to the Execution of his Office, than the Salary allow'd by their Majeſties.*

Reaſon. He that reads the Earl of *Devon*'s Caſe in *Cook*'s 11 *Report*, will find what the Crown was wrong'd, under the Umbrage of ruſty old Iron, claim'd as Perquiſites by the Maſter of the Ordnance.

The Statute 12 *Rich.* 2. *cap.* 2. provideth, that every of the Miniſters aforeſaid ſhall be ſworn accordingly; ſo that it is no new Law, but a revival of the old, which needed not reviving, would all Men be as they ought. We live in an Age wherein Perſons obey rather for fear of Puniſhment, than love of Virtue: It were therefore well, if inſtead of an Oath all publick Offices were to be diſpos'd of by Lot, *viz.* a certain Day, Hour and Place to be appointed, and the Office written in one piece of Paper, and it, and as many other pieces of Paper as there be Competitors well qualify'd, to be made up in Rolls alike, and put into a Hat, and the Perſon who draws the Paper with the Office written in it, to have it: Then the Diſpoſition of Offices for Mony or Favour, will be ſhut out of doors; and there may be a ſaving to their Majeſties in ſpecial Caſes to reward whom they in their Royal Wiſdom think fit with Offices.

You

You will find in the Statute-Book, in the Preface to the Laws made in the 20*th* Year of King *Edward* the 3*d*, that the Judges contingent Fees and Perquiſites were look'd upon to be the cauſe of the King's breaking his Oath, in not ſeeing the Laws duly and impartially executed, and of his Subjects Complaints: whereupon, by the firſt Act made that Seſſion, the Judges had their Fees and Perquiſites taken away, and had Salaries certain ſettl'd in lieu thereof; and that Act is ſtill in force: Yet the Officers in their Petition to the Lords in Parliament lately againſt a Bill to this purpoſe, ſet out Offices to be their Freeholds by purchaſe of the Judges; and ſome Judges inſiſted upon Fees and Perquiſites to be due to them. *No Fees to Judges formerly.*

Altho until 1641, it was adjudg'd Bribery for any in judicial Office, to take Mony for an Office, Fee, Gift, or ought of Value, *Co. Inſt.* fol. 145, 148. becauſe not any thing maintains our Liberty and Property but Juſtice; and Juſtice will never be adminiſtred while the Perſons in judicial Places ſell Offices. *Inſt.* 1 *part*, *fol.* 3. *fol.* 234.

Not any but will agree, Offices to be incident to the Adminiſtration, and that they may be made a ſtanding and great Revenue; which will be paid very gratefully by Perſons admitted to the Execution of Offices, out of the lawful Fees and Profits as they ariſe; becauſe at the ſame time, the King giveth the Grantee a Boon, he receiveth but an Acknowledgment out of his own. And Offices throughout the Kingdom exceed 1000000 *l. per annum*; which ſo often become void, that taking one with another, all once in ſeven Years will fall into the King's Hands. *Value of Offices all over* England.

Not any inferior Office is granted by name to any Miniſter or Judg, neither is the King nam'd in any of the Acts of Parliament which give Miniſters, for the time being, power to diſpoſe thereof. And Acts of Parliament, wherein the King is not nam'd, ſhall not take away the King's Right, *Inſt.* 1 *part. fol.* 43. neither ſhall general Words, *Uſe*, *Cuſtom*, or *Preſcription*, *Mag. Coll. Caſe*, *Co.* 11. *Rep. Inſt.* 1 *part. fol.* 119. 2 *part. fol.* 436. Not any ſhall preſcribe to the Temporalties of a Biſhop, becauſe they are incident to the Perſon of the King, as Patron and Protector of the Church, *Inſt.* 2 *part. fol.* 15. So Offices incident to the Adminiſtration, annex'd to the Imperial Crown and Dignity, are incident to the Perſon of the King as ſupreme Adminiſtrator of Juſtice: And the *Stat.* 1 *Hen.* 4. *cap.* 6. provides, That he who claims an Office, not granted by Name, ſhall be puniſh'd for Deceit, and the Grant ſhall be void. The Crown cannot loſe the Original Right it has to Offices, other than by ſpecial Grant, *Hub. Rep.* 261. Officers compact ſhall not defeat the Crown, *Hub. Rep.* 347.

It is likewiſe againſt a Rule in Law, for any in Office to grant the ſame in his own Right to another, during the Grantee's good Behaviour: Yet ſome hold Offices in the Courts for their own good Behaviour, others for two Lives, and the longer Liver jointly, merely by Grants of Judges, which are expreſly declar'd to be illegal and void, 18 *Edw.* 4. *fol.* 7. *Hub. Rep.* 153. and the Judges are enjoyn'd by the Statute 13 *Edw.* 1. *cap.* 44. to puniſh Officers; but if they in their own Right grant Offices, they are puniſhable themſelves: and it's againſt the Rules in Law for any to be Judg and Party, and Rules in Law cannot be broken without doing Abuſe and Deceit to the King, *Hub. Rep.* 155.

King *Henry* the 8*th* granted the Diſpoſition of Felons Goods to his Almoner, and without revoking it, granted divers Felons Goods to one *Hales*. The Almoner diſputed his right, becauſe the Stat. 6 *Hen.* 8. *cap.* 15. ſaith, All after-Grants ſhall be void if the firſt be not recited and revok'd; yet the Grant to *Hales* was adjudg'd good againſt the Almoner, becauſe he was only a Miniſter in truſt for the King, *Co. Rep. Alton Wood*'s Caſe: and the preſent Miniſters are no other, neither have they expreſs Power to diſpoſe of any inferior Office by Name, as the Almoner had to diſpoſe of Felons Goods; and (if they had) it's adjudg'd in the Caſe of the Maſter of the Rolls, which the King ſettl'd, to be in the expreſs Grant of the Chancellor, or Keeper of the Great Seal for the time being, That the King was not thereby reſtrain'd from granting the ſame, *Inſt.* 3 *part. fol.* 95, 96. And other Offices upon like Diſputes about the Right between the King and his Miniſters, have been adjudg'd for the King, 18 *Edw.* 4. *fol.* 7. *Dyer* 176. For Acts of Parliament impowering Miniſters to do what the King hath Right to do, ſhall not bar the King; becauſe ſuch Acts were intended to eaſe the King of Labour, not to deprive him of his Power, *Dyer* 225. *Hub.* 146. For his Prerogative is part of the Laws of *England*, *Inſt.* 1 *part. fol.* 119. 2 *part. fol.* 436. *Practice in* Henry 8*'s Reign.*

The Law ever look'd upon the injurious Acts of Perſons in Office, worſe than robbing on the High way; for they may deſtroy Men and their Poſterity, by wreſting the Law, either in the Execution or Interpretation thereof, to wrong Purpoſes:

And many Littles make a great deal; and many thouſand Abuſes may be committed for one diſcover'd; therefore the leaſt Fault was ever exemplarily (*a*) puniſh'd, as appears in *Jerom Vaughan* Earl of *Devon*, and other Caſes: for all Laws are to be expounded moſt beneficially to ſuppreſs the Miſchiefs intended to be remedy'd, *Brook.* 77. *Inſt.* 1. *p.* 381. *Alton Wood*'s Caſe, and *Heyden*'s *Caſe*, *Cook*'s *Rep.*

The Bill. Enacts, *To have a Table of the Lawful Fees hung up in every Court and Office, due to every Perſon in any Office or Employment therein, and to have the Statute* 3 Jac. 1. cap. 7. *put in Execution, and the Perſon taking more to be puniſhed.*

Reaſon. This will prevent Officers unreaſonable Demands and Extortions, and was done by King *James* the firſt, and his Council: *Vernon*'s Book of the Exchequer (*b*).

The Bill Enacts, *That Fines and Forfeitures ſhall be duly anſwer'd, and Mercy ſhewn to ſuch only who deſerve it.*

Reaſon. The Laws are but *Capita mortua*, if not executed, and Goads in the Sides of Government, if ill executed. We live in an Age wherein Men obey rather for Fear of Puniſhment, than Love of Vertue: And the Wiſdom of the Law-makers, who eſtabliſh'd Penalties for the Puniſhment of ſuch as diſturb either Crown or People in their juſt Rights, Liberties or Properties, never intended Officers ſhould inrich themſelves, by acquitting notorious Criminals, and oppreſſing ſuch as deſerve Mercy and Pity, as appeareth by the many Laws in force for that Purpoſe, 51 *Hen.* 3. *Stat. Scaccarii.* 10 *Edw.* 1. *St. Rutland.* 1 *Edw.* 1. *cap.* 2. 9 *Edw.* 3. *cap.* 5. 12 *Rich.* 2. *cap.* 10. 6 *Hen.* 4. *cap.* 3. 7 *Hen.* 4. *cap.* 3. 1 *Hen.* 5. *cap.* 4. 4 *Hen.* 5. *cap.* 2. 23 *Hen.* 6. *cap.* 10. 11 *Hen.* 7. *cap.* 15. 27 *Hen.* 8. *cap.* 24. 7 *Edw.* 6. *cap.* 1. 18 *Eliz. cap.* 5. 27 *Eliz. cap.* 10. 21 *Jac.* 1. *cap.* 4. 22 & 23 *Car.* 2. *cap.* 22. & 1 *Jac.* 2.

King *Henry* the 3*d* was told by the Parliament, that Fines and Forfeitures well manag'd, would fill his Coffers; whereupon he puniſh'd *Hugo de Burgh* for the Neglect thereof. *Spelman*'s *Gloſſary.*

King *Edward* the Firſt allotted his Judges no Salaries but what were paid thereout, to make them careful; and the Parliament lik'd his Contrivance ſo well, that they petition'd *Richard* the Second to pay his Juſtices accordingly; and the Sheriffs charge the ſame at this Day to their Majeſties by force of the Laws then and ſince made, *Extenta Maner. int. Record. apud Recept. Scaccarii:* 4 *Edw.* 1. 12 *Rich.* 2. *cap.* 10. 14 *Rich.* 2. *cap.* 11.

They that conſider how much Mony goes out of the Subjects Pockets, by unreaſonable Levies and Exactions, which Officers take without Accompt; what is deducted out of every Pound paid into and out of the Exchequer; and that the Officers get 50 *s.* for ever 5 *s.* the King gets upon the Compoſition of Fines, and Forfeitures, and more which Officers get by withdrawing many, of which nothing comes to his Majeſty; and how liberal Miniſters have been to their own Friends and Purchaſers, and niggardly to Perſons of Merit, and will but look back upon the many Inſurrections and Rebellions occaſion'd thereby, which coſt this Nation vaſt Sums to ſuppreſs, will agree, that not any thing but a right Diſpoſition of Offices and Places of Truſt, can heal our Diſtempers, and ſecure the Government: for what has been may be, and there is nothing new under the Sun. *Ergo, Tolle cauſam, ceſſat effectus.*

Undoubtedly thoſe Members of the honourable Houſe of Commons were of that Opinion when they agreed at the Committee, upon Propoſals preſented to the Houſe, to move for leave to bring in a Bill,

Againſt buying and ſelling Offices.
To aſcertain the Fees of Officers, &c.
For their Majeſties to have the firſt Year's Profits of Offices.

And to lay the Perſon's Caſe before the Houſe, who had ſuffer'd deeply for making out and proſecuting his Propoſals.

And the Houſe agreeing with the two firſt Reſolutions, with ſome Amendments,

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(a) *Among the many Examples of Perſons puniſh'd, the moſt remarkable is that of Judg* Ingham, *who for abating but* 6 s. 8 d. *of a Fine due to the King, was made to build the Clock-Houſe at* Weſtminſter, *and hung the great Bell therein, which coſt him* 800 *Marks, that the Judges and Officers may be put in mind of their Oaths when they hear the Clock ſtrike: and it made ſuch Impreſſion upon Judg* Southcote *in the Reign of Queen* Elizabeth, *that he being deſir'd to ſhew Favour, ſaid,* He was not for building another Clock-Houſe. *Cook Inſt.* 4 *Part, fol* 255.

(b) Note, *That the Parliament thought fit to decreaſe the Number of Attorneys, becauſe they make the People poor by fomenting Suits.* Inſt. 2 Part. fol. 250 and 578.

induceth

induceth moſt People to believe, had not the Houſe broken up before the Day appointed to conſider of the other Reſolutions, that the ſame had alſo been agreed to.

Now the Bill drawn is purſuant to the ſaid Reſolutions, and is no other than a Revival of the old Law: for after King *John* and his evil Counſellors had waſted the publick Treaſure, and made havock of all Order and Government, by trading and trafficking with Offices, Oaths and Laws; it was provided, that Juſtice ſhall not be ſold, denied or delay'd to any, *Magna Charta*, 9 *Hen.* 3. *cap.* 29. That not any but Perſons of Merit, worthy and meet, ſhall be advanc'd to Offices, and not any for Mony, Favour or Affection; that he who ſells an Office, ſhall forfeit it, and he that buys it ſhall be diſabled to hold it. And every Perſon in Office is ſworn to ſerve the King therein, according to the Laws and Statutes of the Realm, as they tender the King's Honour, and the Proſperity of the Nation, 2 *Hen.* 6. *cap.* 10. 12 *Rich.* 2. *cap.* 2. 5 and 6 *Edw.* 6. *cap.* 16. *Petition of Right* 3 *Car.* 1. And that the Crown and People may reap the bleſſed Effects of a right Adminiſtration of Juſtice, 'tis to be hop'd the Parliament will reinforce the Laws made 12 *Rich.* 2. *cap.* 2. 18 *Edw.* 3. *Stat.* 4. 20 *Edw.* 3. *cap.* 1. againſt Judges taking Mony for Offices, Fees of Suitors, and New-years Gifts of Offices, which blind the Eyes of the Wiſe, and pervert Judgment.

'Tis no new Bill, but an old one reviv'd.

The Speech of the Right Honourable Thomas *Earl of* Stamford, *Lord* Gray *of* Grooby, *&c.*

At the General Quarter-Seſſions held for the County of Leiceſter, *at* Michaelmas, 1691.

His Lordſhip being made Cuſtos Rotulorum *for the ſaid County by the Late Lord Commiſſioners of the Great Seal.*

Gentlemen of the Jury,

THERE being ſome Men in this Kingdom, who are ſo injurious to themſelves, their Country, and the eſtabliſh'd Religion they profeſs, that they will not allow their preſent Majeſties King *William* and Queen *Mary* to be the lawful and Rightful King and Queen of theſe Realms, notwithſtanding the great Conſent of the whole Nation, by their Repreſentatives in Parliament, hath moſt ſolemnly declar'd them ſo: I think therefore it will not be altogether a Miſpence either of your or my time (before I come to the Articles of your Charge) to acquaint you, how Perſons at firſt united themſelves into Government.

Their Majeſties lawful and rightful Title aſſerted.

When numbers of Men were got together, they for their own Preſervation, and general Good, ſoon agreed among themſelves, to chuſe ſome one or more, to be their Judg, or Judges, of Right and Wrong, and to give remedy to the injur'd and oppreſs'd; to call them together to conſult about the weighty Affairs of their Government, to head them againſt any Foreign or Common Enemy, to reconcile differences among themſelves, and to defend both their Perſons and Goods in Peace by Rules of Law.

All Government by Conſent.

For there was never yet any civiliz'd Nation, either of antient or later Days, to be found, either by the Diſcovery of the *Indies*, or elſewhere, where Men living together, had not ſome kind of Magiſtrate or Magiſtrates to govern them, by their own Conſent.

But

But there is a ſort of Men amongſt us, who by the cunning Inſinuations of ſome diſaffected Perſons, are prevail'd upon to believe, that the very Species of Government is of Divine Right; but I muſt needs tell them, that to me it ſeems contradictory to the Nature, as well as deſtructive to the very End and Being of Government.

All equal by Nature.

For if we conſider that we are all equal by the ſtate of Nature, and by that there can be no ſuperiority, or ſubordination one above another; there can be nothing more rational, than that Creatures of the ſame Species and Rank, promiſcuouſly born to all the ſame advantages of Nature, and the uſe of the ſame Faculties, ſhould alſo be equal one amongſt another: and were it not for the corruption and viciouſneſs of degenerate Men, there would be no need of any other State; for every one in that State is both Judg and Executioner of the Law of Nature, which is to puniſh according to the Offence committed; but Men being partial to themſelves, Paſſion and Revenge are very apt to carry them too far in their own Caſes, as well as Negligence and Unconcernedneſs are apt to make them too remiſs in other mens.

This made every one willing to give up his ſingle Power of Rule to one or more, as they thought moſt fit and convenient for the publick Good; and he or they to govern by ſuch Rules as the Community or thoſe authorized by them to that purpoſe ſhould agree on, with intention in every one the better to preſerve himſelf, his Liberty and his Property; but not as thoſe Perſons would have it, who flatter Monarchs in Authority, that they may do what they pleaſe, becauſe they have Power to do more than others: as if rational Creatures can be ſuppos'd, when free, to put themſelves into Subjection to another for their own harm, which were to put themſelves in a worſe Condition than in the ſtate of Nature, wherein they had liberty to defend their Lives and Properties againſt the Invaſions of all Mankind; whereas by giving themſelves up to the abſolute Arbitrary Power of any Man, they at the ſame time diſarm themſelves, and arm him, to make what Prey of them he pleaſeth, whenever he hath a mind to it.

Government in general of Divine right.

I muſt confeſs, if there were but one ſort of Government in the World, I ſhould leſs blame the Confidence of theſe Men; becauſe they would have ſomething more to ſay for their Opinion: For tho I own that Government in general is of Divine Right, yet the particular Species cannot be ſo, becauſe there are ſo many ſeveral ſorts of them (which I will briefly run over) and ſo many ſeveral Laws fitted for them, that it cannot with the leaſt colour of Reaſon be ſaid, that either God or Nature made them, but it was the Induſtry of Man, as occaſion requir'd, and God permitted them.

For can any one ſay, that God and Nature did not concur as well with *Italy* when it had but one Prince, as now when it hath ſo many; the like with *Germany* and with *Switzerland*, which was once one Commonwealth under the Marqueſſes and Dukes of *Auſtria*, and now is divided into thirteen Cantons, or Commonwealths, under Popular Magiſtrates of their own?

To come to our own Nation; *England* alſo was firſt govern'd by one or more Kings under the *Britans*, and then became a Province under the *Roman* Emperors, and afterwards was divided into a *Heptarchy*, or ſeven Kingdoms at once, under the *Saxons*; after that, under the *Engliſh-Saxons*, *Danes*, and *Norman* Kings, it became a limited Monarchy, as it now continues under their preſent Majeſties: all this by God's Providence and Permiſſion (not by peculiar Divine Deſignation) who ſuffer'd his own People the *Jews* to be under divers manners of Government, at different times: at the firſt under Patriarchs, as *Abraham*, *Iſaac* and *Jacob*; then under Captains, as *Moſes*, *Joſhua*, and the like; then under Judges, as *Othniel*, *Ehud*, and *Gideon*; then under High Prieſts, as *Eli*, and *Samuel*; then under Kings, as *Saul*, and *David*, and the reſt; then under Captains and High Prieſts again, until they were brought under the Power of the *Romans*.

After this, I hope none can doubt but that as to all the juſt forms of Civil Government, God doth concur with what the Community thinks fit to order and direct for the publick good.

Hereditary right of Succeſſion conſider'd.

Some there are, that vainly affirm Monarchies to be ſo divinely Hereditary, that the People have nothing to do to reſiſt or remove any Monarch, altho ever ſo Cruel or Tyrannical over his Subjects; which is a Doctrine (I think) was never believed in former Ages, as I hope I ſhall plainly make appear in my following Diſcourſe, from the uſage and practice of this and ſeveral other Kingdoms and Countries: which being done, I hope all Men (I am ſure all that have a hearty love and value for Liberty and Property) will be ſatisfy'd that King *William* and Queen *Mary* are our

our Rightful and Lawful King and Queen of theſe Realms; and that what hath been done in relation to the late King *James*, and the placing this preſent King and Queen upon the Throne, is nothing more than what hath been oft-times practiſed in former Ages in this and other Kingdoms: and that the like Changes in Government have been, I ſhall endeavor to make out by ſeveral Inſtances.

And firſt I will begin with foreign Nations, in which I will be as ſhort as poſſible.

There were in *France* two great Changes made in the Royal Line; the firſt from the Race of *Pharamond* to the Line of *Pepin*; the ſecond from that of *Pepin* to *Hugo Capet*, whoſe Poſterity enjoy it to this Day.

Childerick the Third was depriv'd for his evil Government by the States of the Kingdom, and *Pepin* choſen King in his ſtead; and as long as his Race prov'd brave Kings, and acted for the Common Good, they were continu'd Kings; *Lewis* the Third, and *Charles* ſirnam'd the *Groſs*, were both depriv'd by the States of *France* for their ill Government, and ſuch as were thought more worthy appointed in their ſtead. This all their Hiſtorians agree in. Childerick *depoſed.*

Thoſe who write of *Spain*, do ſay, that *Flaveo Suintilla* was depriv'd for his evil Government, together with all his Poſterity, and *Siſſinando* choſen in his Room. Spaniſh *Inſtances.*

Don Pedro, Sirnam'd the *Cruel*, for his injurious Proceedings with his Subjects, was dethron'd; the *Spaniards* call'd in his Baſtard Brother *Henry* that liv'd in *France* (who came to their aſſiſtance, and ſlew *Don Pedro* hand to hand) and they choſe him King, whoſe Poſterity reigns now.

In *Portugal* Don *Sancho* the ſecond was depriv'd by the Univerſal Conſent of the *Portugueſes*, and *Don Alonſo* his Brother ſet up in his ſtead.

Chriſtierne King of *Denmark* for his intolerable Cruelty was deprived, and his Wife and three Children diſinherited, and his Uncle *Frederick* was choſen King.

In *Scotland* the Nobility and Gentry took up Arms againſt *Durſtus* their King for his intolerable Cruelty, and ſlew him and his Confederates in Battel, and put his Sons by, and choſe *Even* his Brother King; who leaving a Baſtard Son, call'd *Gillo*, the Kingdom was confer'd upon him. *In* Scotland.

Crathy Cinthus having ſurpriz'd and ſlain *Donald* for his Cruelty and Tyranny, was unanimouſly choſen King. And,

Ethus for his ill Government was depriv'd, and *Gregory* was made King in his ſtead.

As for *England*, I will mention ſome few before the Conqueſt (vulgarly ſo call'd) who were *Archigallo*, *Emerian*, *Vortigern*, *Sigebert* King of the *Weſt-Saxons*, *Beornred*, and *Alured* King of *Northumberland*; all theſe were depriv'd of their Thrones for their cruel and evil Government, and others more worthy put in their ſtead.

King *Edwin* being depriv'd for his unjuſt Government, the Crown was given to his Brother *Edgar*, who prov'd a moſt incomparable Prince.

There are ſeveral more Inſtances, among which was *Egbert*, who obtain'd the Crown, tho not next in blood; and as for *Adelſtan* he was Illegitimate.

After the reputed Conqueſt, you will find that upon the death of *William* the firſt, his Eldeſt Son *Robert* was put by, and *William Rufus* his Brother, and the third Son, was elected King. After his death his younger Brother *Henry* the Firſt, tho not the next Heir, was choſen King by the Peoples full Conſent, tho not ſummon'd by Writ. Next *Stephen* was choſen King againſt the Right of *Maud* the Daughter of *Henry* the firſt; then *Henry* the ſecond againſt the Right of his Mother *Maud* then living. After the death of *Richard* the firſt, *John* Earl of *Morton* was elected King, and *Arthur* the right Heir diſinherited. *Henry* the third was choſen againſt the Right of *Eleanor*, Prince *Arthur*'s Siſter. At the death of *Henry* the third, the States of the Kingdom met, and ſettl'd the Government by appointing Officers, and doing what elſe was neceſſary for the defence of the Realm. And *Edward* the fourth was declar'd King by the People, his firſt Parliament recognizing his Title to the Crown, *Henry* the ſixth then living. *No Hereditary Succeſſion obſerv'd in* England.

Tho I could go on farther, yet I will ſtop here, becauſe I have mention'd enough to put it paſt all Contradiction, even by the moſt prejudic'd, that the ſeveral Forms of Government are not of Divine Right, tho Government it ſelf be: And alſo, that our preſent King *William*, and Queen *Mary*, are our Rightful and Lawful King and Queen of theſe Realms; and that none can be Friends to Government in general, nor to this wonderful and happy Revolution, who go about to maintain the contrary, or take the Oaths to this Government with any mental Reſervation, or particular Explanation.

I could wiſh there were no ſuch Men in this Kingdom; but yet it is too plain there are amongſt us ſuch as do not care what Fire and Heat they cauſe, ſo they can but warm themſelves by it.

I beg your pardon, Gentlemen, that I have kept you ſo long; nor would I have done it, but that I thought it as proper to acquaint you with the nature of Government in general, as well as the Rightfulneſs and Lawfulneſs of this, before I came to tell you the parts that you are to act, and the buſineſs you are to do to ſupport it and your ſelves, which is to preſent all thoſe that are guilty of Treaſons, which are either High or Petty Treaſon. High Treaſon is compaſſing or imagining the death of the King or Queen, and declaring the ſame by open Deed, or overt Act; killing the Chancellor, or Treaſurer, Juſtice of the one or other Bench, or other Juſtices in Eyre, or of Aſſize, or Oyer and Terminer, in their places doing their Offices; Counterfeiting the Great or Privy Seal; Counterfeiting, Clipping, Waſhing, or filing of the Current Mony of this Realm for lucre or gain; abſolving the Subjects from their Obedience, or reconciling them to the Obedience of the Church of *Rome*, in both the Reconciler or Reconcil'd.

Who are to be preſented.

Petty Treaſon is, when a Servant kills his Maſter or Miſtreſs, the Wife her Huſband, *&c.* And Miſpriſions of Treaſon are thoſe that conceal any ſort of Treaſons, or harbour the Traitors, knowing them to be ſuch.

Murder, under its ſeveral Denominations, whether the Perſon did kill another out of Malice, or by Accident, or by defending himſelf; which way ſoever it be, the Law is ſo tender and careful for the loſs of a Man, that it requires an Inquiſition to be made after it, that ſo the Offence may be puniſh'd according to its Nature.

All ſort of Robberies, whether on the Road, or in Houſes, open, or ſhut; the ſtealing of Horſes, or other Cattel, abroad or elſewhere: and to prevent that and other looſe and idle Living, the Law does provide Puniſhments for Poachers or Deſtroyers of Hares, or Partridges, Pheaſants, Rabbets, and Deer, in and out of Parks; Alehouſes or Tipling-houſes, which receive and entertain leud and idle Perſons at unſeaſonable and unuſual hours; Vagabonds and ſturdy Beggars; all Conſtables for neglecting their Duties, or taking more than their Dues; and other Officers, as Regiſters, Clerks, and Bayliffs. The Law is ſo careful to prevent Men in Office from oppreſſing the People, that there can be no Oppreſſion which it does not take notice of to puniſh. I muſt yet add this, that tho I have omitted ſeveral Particulars, yet that does not excuſe you from preſenting all other Offences which come to your Knowledg; which I doubt not but you will do without either Favour, Affection, or Malice: So you will perform your Oaths juſtly and uprightly, and do God Honour, the King Service, and your Selves and Country Right: And ſo I leave you to your Enquiry.

The Speech of the Right Honourable Henry *Earl of* Warrington, *upon his being Sworn Mayor of* Cheſter, *in* November 1691.

Gentlemen,

I AM much oblig'd to you, for the reſpect you have done me, by putting this Truſt into my hands; and your Kindneſs is the greater, becauſe you did it without any Sollicitation on my part; for I did ſo little expect it, that I was extremely ſurpriz'd when I read my Predeceſſor's Letter, which gave me to underſtand, that your Choice of a Mayor for the enſuing Year was fallen upon me. It is a great Truſt that you repoſe in me, and I hope I ſhall not diſappoint you in the Confidence you have of me.

It is with ſome Inconvenience to my private Affairs, that I have taken this Journy; yet had my particular occaſions ſuffer'd more, I ſhould have made no difficulty in poſtponing them, when an opportunity offers it ſelf of doing any Service to the Publick, or to this Corporation; neither could I have been excuſable, if I ſhould have put ſo great a ſlight upon the Reſpect and Good-will of my Friends, as to refuſe to ſerve them in this, or any other Capacity.

By the Oath I have now taken, I have oblig'd my ſelf before God and the World, to that, to which my own inclinations did zealouſly diſpoſe me; for it was with extreme Grief, when in the late Reigns I beheld your Liberties and Franchiſes were raviſh'd from you. What in me lies, ſhall not be wanting to repair thoſe Breaches that have been made, and to prevent the like Invaſions for the future.

I hope during this King's Life we are out of ſuch Dangers, ſince the offering up of Charters can be no acceptable Sacrifice to him, becauſe he came to the Crown upon *Engliſh Principles*; and governing *by ſuch Politicks, is that alone which can make him Safe and Glorious.* But you may remember that of late we had two Kings, to whom nothing was ſo acceptable, as the ſubmitting our Religion and Liberties to their Arbitrary Wills and Pleaſure; and this Nation was then ſo unfortunate, as to have a Party in it, tho much the leaſt, who were induſtrious to comply with thoſe two Kings in their wicked Deſires.

Fulſom Addreſſes in the late Reigns.

The firſt ſtep made by that Party was in their fulſom Addreſſes, where they deliver'd up themſelves and all they had, to be diſpoſed of at the King's Pleaſure: Making no other claim to their Liberties and Civil Rights, but as Conceſſions from the Crown; telling the King withal, that every one of his Commands was ſtampt with God's Authority, and a great deal of ſuch nauſeous Stuff, much fitter to be offer'd to ſome Eaſtern Monarch, or the *French* King, than to a King of *England* governing by the Laws of the Realm.

Charters ſurrendered.

Well had it been, if their Falſhood and Flattery had gone no further; but contrary to their Oath, and the Truſt repoſed in them, they proceeded to the Surrendring of Charters: A thing ſo contrary to Juſtice, and inconſiſtent with the Fundamentals of the Government of *England*, that if ſuch Surrenders can be juſtify'd, I don't ſee what can be diſhoneſt or unlawful. Yet ſuch Proceedings became a Teſt of Loyalty, by which they thought to recommend themſelves to the King's Favour, whilſt thoſe who diſſented in this point were accounted diſaffected to the Government, and were loaded with all manner of Reproaches. But Gentlemen, till then it never was accounted Liberality, to be generous at the expence of others; nor the uſual way of recommending a Man's Fidelity, by betraying of a Truſt; nor to bring a Man's Word into Credit by making light of an Oath.

Theſe things I mention, not that I deſire to keep up diviſions amongſt us, or to diſcourage any that are ſorry for what they have done, and are willing to come into the Intereſt of this Government; for I wiſh from my Soul that we were all of a mind: but I mention theſe things, to teſtify my diſlike of ſuch Proceedings, and to ſhew how much I deſire to prevent the like for the future. For I am ſure no Man can be hearty for this Government, who does not abhor ſuch Proceedings as theſe were. And ſaying this, it puts me in mind of an Obſervation which I have made for ſome time, which is this, That generally thoſe People who refuſe to take the Oaths to this King and Queen, are ſuch as were active in, or conſenting to the ſurrendring of Charters: which ſhews they are Men of extraordinary Conſciences, who think it unlawful to ſwear to this Government, and yet could think it not only lawful, but an act of unſhaken Loyalty, to break their Oaths, and betray their Truſt.

If there be any ſuch in this Corporation, I hope they are but few, and will ſerve as Examples, not of Imitation, but Admonition, to put others in mind of their Oaths and Duty.

Preſervation of Liberties recommended.

Gentlemen, Let us preſerve our Liberties and Freedoms: he is the moſt Loyal Subject that walks the neareſt to the Laws; he that preſerves his Freedom and Birth-right, is better able to ſerve his King and Country, than he that has parted with them. Had not our Forefathers obſerved this Rule, we had had no Liberties to boaſt of; and ſurely we are bound to leave our Poſterities in the ſame Freedoms which we received from our Forefathers. Therefore let us bleſs God and the King for our wonderful Deliverance; and let not the Averſion of ſome to this Government, make us remiſs in our Duty.

But *Gentlemen*, in ſaying this, I don't deſign to perſuade any Man to rigorous Courſes, or to ſtretch the Law beyond its fair and natural Conſtruction, to ſerve a turn; I will never practiſe it my ſelf, nor adviſe another to it; I utterly diſliked ſuch Proceedings in the two late Reigns, and I am now no better reconciled to them. Let every Man have Right according as the Merits of his Cauſe ſhall deſerve: Let no Man's Complexion or Opinion weigh at all. This Impartial Method will beſt ſupport the Honour and Peace of the City: Such fair Treatment will convince many of the Reaſonableneſs and Juſtice of this Government; at leaſt it will in a great meaſure ſtop the Mouths of Gainſayers, and cannot fail to meet with good effect. What I have more to tell you is, that I ſhall ever pray for, and endeavor the Proſperity of this City.

The Speech of the Right Honourable Henry *Earl of* Warrington, *Lord* Delamere, *to the Grand Jury at* Cheſter, *April* 13. 1692.

Gentlemen of the Jury,

THE Preſervation of the publick Peace, is the Occaſion that hath call'd us together at this time; in which no Man can be remiſs or negligent, when he conſiders, that his particular Intereſt, as well as his Duty, doth indiſpenſably oblige him to do what in him lies to ſupport it. In order to this, that which is now more eſpecially expected from us at this time, is, *Occaſion of the Speech.*

1. To inquire into the Neglects of thoſe in whom the Law hath repoſed any Truſt: And,

2. To diſcover thoſe who have broken or violated the Laws, that ſuch Criminals may be brought to condign Puniſhment.

And ſince the Execution of the Laws is our proper buſineſs; and that the Laws ſhould have their Courſe, is abſolutely neceſſary to the being of the Government; therefore it may not be impertinent (as I conceive) at this time, to ſay ſomething of the Nature of Government, and particularly of our own Conſtitution: or rather, it ſeems neceſſary to take all occaſions to explain it, conſidering what variety of Opinions there is amongſt us, of that which is, or ought to be, the Supreme Authority or Power in *England*.

Many Wiſe and Learned Men have written of the Nature of Government, and given excellent Definitions of it; but of all others, the Learned *Aquinas* ſeems to me to have done it in the feweſt and plaineſt words; ſays he, 'It is a rational Or-'dinance for the advancing of the publick Good. And next to him is *Plato*, whoſe words are theſe; 'Government, or Law, ſays he, is to Preſerve the huge and indi-'geſted Lump of a Multitude; and to bring all Diſorder into Proportion, ſo as to 'become a Harmony.

Several others have ſpoken to the ſame purpoſe, which I omit, becauſe I will be as little tedious as I can: But two things are obſervable from hence.

1. That Order and Peace is, or ought to be, the end of every Government. *Of the nature of Government.*

2. That in every Government there is ſome particular Principle that runs through the whole Scheme of that Conſtitution; and as that Principle is follow'd or neglected, ſo accordingly it goes well or ill with the Publick: that is, when thoſe who are intruſted with the Executive Power, do purſue that Principle, every thing moves regularly, and the Government is firm and ſtable; but when they ſteer by any other Meaſures, the State doth unavoidably fall into Diſorders and Convulſions. So that whoever he be that is plac'd at the Head of the Government, if he deſires to have the Hearts and Prayers of his People whilſt he lives, and that After-Ages ſhall bleſs his Memory, it is neceſſary,

1. That, in general, he reſolve to govern well: And

2. Throughly and rightly to appriſe himſelf of that Principle that is the Soul of the Government; or at leaſt that he be adviſed by ſuch as are moſt likely to know it, and will give him faithful Counſel; otherwiſe he will be like a Traveller, that in the Night miſſes his way upon ſome large Plain, wandring he knows not whither, and is more like to meet with ſome diſaſter, than to find his way.

Having ſaid this, it is natural for you to expect that I ſhould tell you, what that Principle is, which is the Life and Foundation of this Government.

If I am not much miſtaken, and I am verily perſuaded that here I am not, I take it to be this. 1. That every Subject of *England* hath ſo clear a Property in his *Principal Foundation of this Government.*

his Life, Goods, and Eſtate, and every thing elſe which he lawfully poſſeſſes, that they nor any of them can be taken from him, nor ought he to be diſturb'd in the enjoyment of them, without his voluntary Conſent, or for ſome Offence againſt the Law. 2. And in the next place, That there be not a failure of Juſtice; that is, that no Man be left without Remedy, where his Right is concern'd, and that every Criminal be puniſh'd according to the Demerits of his Offence.

No Prerogative above Law.

I am apt to believe that every Man will think, that this is very agreeable to natural Reaſon, and then I do not ſee how it can be inconſiſtent with the Prerogative of the Crown; tho I know that not very long ſince, and I fear yet, there are ſome who carry the Prerogative much higher than it ought, in placing it above the Law: But nothing, ſave the Iniquity of the Times, and the Depravity of ſuch mens Manners, could ſupport or give countenance to ſo ſenſleſs a Thought; for they are very ignorant of the Nature of Prerogative, if they think it is a Power to do hurt, and not to do good. Certainly the King's Prerogative is to help and relieve the People where the edg of the Law is too ſharp and keen; and not a Power by which he may oppreſs and deſtroy his Subjects. Men are to be govern'd by a Power that is guided by Reaſon, unleſs we can ſuppoſe that they have no more underſtanding, and are of no greater value than the Beaſts that periſh.

Abſolute Regal Power oppreſſive.

It was ſaid by one who was a very competent Judg in the Caſe, as I remember it was Sir *John Forteſcue*, That it is a greater Power in a Prince to be reſtrain'd by Law from oppreſſing, than to have an abſolute Regal Power. And ſays another, The Way of Governing muſt be both right and clear, as well as the End; and how this can be expected, when a King is guided by no other Rule than that of his unbounded Will and Pleaſure, I do not ſee, any more than a Man can depend upon the Weather.

Do not all Examples of it that ever were prove, that abſolute Power and Oppreſſion are inſeparable, and as naturally proceed the one from the other, as the Effect doth from the Cauſe?

Power above Law not God's Ordinance.

'Tis a Riddle to me, how that Prince can be call'd *God's Ordinance*, who aſſumes a Power above what the Law hath inveſted him with, and uſeth it to the grieving and oppreſſing of his Subjects: May not the Plague, Famine, or Sword, as well be call'd *God's Ordinance*, ſince one no leſs than the other is ſent by him for the puniſhment of that People whom he ſo viſits?

We may reaſonably ſuppoſe, that Order and Peace are much rather the End of Government, than Oppreſſion and Violence, becauſe *God is a God of Order*; and when he ſent the *greateſt Bleſſing* upon Earth, it was *Peace:* and tho God was often very wroth with the Kings of *Iſrael* and *Judah* for their Idolatries, yet the innocent Blood they ſhed, and the Violence and Oppreſſion which they committed, provok'd him more highly, and with his ſevereſt Judgments he always teſtify'd his diſpleaſure againſt it.

I could run out into a large Diſcourſe upon this Subject, but I will ſtop here, becauſe I am perſwaded, that what I have already ſaid is ſufficient to convince any one who is unprejudic'd, That an *Abſolute Power* is ſo far from being the Right of the King of *England*, that the exerciſe of ſuch a Power is unlawful in any King.

Doctrine in the late Reigns.

I know very well, that in the late Reigns this Doctrine would not have been endur'd; to have ſaid then leſs than this, would have coſt a Man his Head: For whoever would not then comply with Arbitrary Power, was call'd a *Factious Man*, and an *Oppoſer* of the Government. But is it not Nonſenſe, or very near akin to it, to call that *Seditious* that is for bringing things into Order, and for maintaining the Laws and ſupporting the Government? Arbitrary Deſires never did any King good, but have ruin'd many. It ſhook King *Charles* the Second's Throne, and tumbled down his next Succeſſor; and tho ſuch Kings are left without Excuſe when ruin'd, yet I may ſay, they are not only in the Fault, for their Overthrow is in a great meaſure occaſion'd by thoſe who preach up, and adviſe the King to Arbitrary Power.

Arbitrary Power in Kings cheriſht by flattery.

Did not other People cocker up and cheriſh Arbitrary Notions in Kings Minds, tho ſuch Conceptions might ſometimes get into their heads, yet they would never fructify nor come to perfection, if they were not cultivated by Paraſites who make their Court that way, in hopes to raiſe themſelves, tho with the hazard of their Maſter's Crown; as it befel the late King *James*, whoſe Male-Adminiſtration render'd him unmeet to ſway the Scepter. And I am very well ſatisfy'd that the

Judgment

Judgment upon him was juſt: for unleſs a People are decreed to be miſerable, which God Almighty will never do, except thereto very highly provok'd by their Sins; certainly he will never ſo tie up their hands, that they ſhall not be allow'd to uſe them when they have no other way to help themſelves.

Divine Right of Succeſſion preach'd up in thoſe Reigns.

Several Artifices were made uſe of in the two late Reigns, for introducing Arbitrary Power and Popery: one of which was, to inſinuate into the Minds of the People, that the Succeſſion of the Crown was the chief Pillar of the Government; and that the breaking into it upon any pretence whatſoever, was no leſs than a Diſſolution of the whole Conſtitution, and nothing but Diſorder and Confuſion could enſue.

This Doctrine was boldly then preach'd up, and prevail'd with many, and obtain'd no leſs than if the Crown had been ſettled in that Family by an Ordinance or Decree dropt down from Heaven, and that every one of that Line or Race had been diſtinguiſh'd from the reſt of Mankind, by more than ordinary Virtues and Endowments of Mind and Body. But we know not of any ſuch Divine Revelation, and happy had it been for this Nation, if that Family had been ſo ſignal for its Juſtice and its Piety; we might then have prayed, That there might not want one of them to ſit upon this Throne to all Ages. How much this Nation is oblig'd to that Family, we very well remember; for the Wounds they gave us are not yet healed.

Election the original of Succeſſion.

Election was certainly the Original of *Succeſſion:* for as the living more ſafely, and with the freer enjoyment of their Goods, was the original Cauſe that People aſſociated themſelves into a Nation or Kingdom; ſo for the better attaining that End, they did ſet over themſelves the beſt and wiſeſt of their Brethren to be their Rulers and Governours; and this Adminiſtration was truſted in one or more hands, according to the Temper and Diſpoſition of the Perſon; in which Authority they continued either for their Lives, or for one Year, or for ſome other ſtated period of Time.

Where the Government was under a King, he uſually held it for Life; and then upon his deceaſe the People proceeded to a New Election, till at laſt it fell into the hands of ſome very excellent Perſon, who having more than ordinarily deſerv'd of his Country, the People, as well in gratitude to him, as believing they could not expect a better Choice than in the Branches that would grow out of ſo excellent a Stock, entail'd that Dignity upon him and his Poſterity. And this ſeems to be the moſt natural and lawful Riſe of Succeſſion.

I do not deny, but ſome Succeſſions have ariſen from Force, but that was never laſting; for it could not ſubſiſt or ſeem lawful any longer than there was a Force to ſupport it.

Several ways of Succeſſion.

Now when Princes come to the Crown by the firſt way of Succeſſion, I mean by the Conſent and Approbation of the People, does not that plainly imply, That they ought to uſe that Power for the Good and Advantage of their Subjects, and not to their hurt, and enjoy the Crown only upon that Condition? No Man would ever ſuffer a Monſter to inherit his Eſtate; and Kings are no more exempted from the Accidents of human Nature, than their meaneſt Subjects; and it is every days practice in private Families, to exclude thoſe that will waſte their Eſtates, and ruin the Family: and if the Reaſon will there hold good, then it is ſo much the ſtronger in the Deſcent of the Crown, by how much the good of the whole Kingdom is to be preferred to that of one Family.

Nor is Succeſſion ſo very antient in *England* as ſome People may apprehend: Till the Time of *William* the Firſt, commonly tho falſly call'd *the Conqueror*, it was look'd upon as a very precarious Title. The next in Succeſſion could make but little reckoning on the Crown, further than his good Inclinations and Sufficiences to ſway the Scepter, did recommend him to the Affections of the People. It being then very common, not only to break into the Succeſſion, but even to ſet aſide all that Family and Line, whenever it was known that the Publick might ſuffer by their being at the Head of the Government; the Publick Good being the only Rule and Conſideration that govern'd that Point.

Succeſſion often not obſerv'd.

William the Firſt declar'd upon his Deathbed (and that is a time when Men do ſeldom prevaricate) That he did not poſſeſs the Crown by an Hereditary Right. *William* the Second muſt be allow'd by all People to come in by Election, becauſe *Robert* his elder Brother was alive, and ſurvived him. Next to him was *Henry* the Firſt, who alſo came in by Election, becauſe his eldeſt Brother *Robert* was yet alive; and this *Henry* in his Charter acknowledg'd, that he owed his Crown to the Mercy of

of God, and the Common-Council of the Realm. King *Stephen*, *Henry* the Second, *Richard* the First, and King *John*, all came in by Election; ſo that till *Henry* the Third, there is ſcarce to be found any Precedent of Succeſſion, and ſince his Reign the Succeſſion hath been broken into ſeveral Times, and the Crown ſhifted from one Family to another by Act of Parliament; and being ſo transferred by that Authority, it is the greateſt Proof that can be, that Succeſſion is a very feeble Title, without ſomething elſe to ſupport it, and I think I may ſay defective.

For, ſays one of great Authority, never did any take pains to obtain an Act of Parliament, to ſettle his Inheritance on his Heirs, except he were an Alien, or Illegitimate; and therefore conſidering that by virtue of an Intail of the Crown by Act of Parliament in *Henry* the Seventh's Time it is, that the Four laſt Kings have ſwayed this Scepter, I could never underſtand that Divine Right which was by ſome ſtampt upon the Title to the Crown, or that the Succeſſion was preferable to the Publick Good.

King's Title vindicated.

I have endeavour'd to explain this Point the more, by reaſon that ſome object againſt the Sufficiency of this King's Title to the Crown, becauſe the Succeſſion was broke through to let him into the Throne; as if nothing could give a King a good Title to the Crown, but Succeſſion. For my part I never ſaw any reaſon to be of that Opinion; and if there be nothing but the Interruption of the Succeſſion to object to this King's Right, if he continue to govern according to the Principle upon which the Crown was given him, and according to the good and laudable Cuſtoms of the Realm, I think every Man that wiſhes well to the Intereſt of his Country, ought to bleſs God for this Revolution.

In my poor opinion, I do not apprehend that a King that comes to the Crown by Election, ſhould think worſe of his Title than if he had come in by Succeſſion, but rather the more ſecurely; becauſe the People are under a more immediate Obligation to ſtand by and ſupport the King they have elected, than any other that takes the Crown by Succeſſion: nor that the People ſhould ſuſpect that they hold their Properties and Rights more precariouſly under a King that is Elective, than under one that claims the Crown by Succeſſion, but rather the contrary; becauſe it more highly imports him, as well in point of Gratitude as in that of Policy, to preſerve the good Opinion of the People by governing well, than if his Title was by Succeſſion. For I am far from believing that a King who comes in by Election, may make more bold with the Laws, than he that claims under any other Title; or that his Right to the Crown continues any longer, than by his Adminiſtration it doth appear that his Intereſt is the ſame with that of the Nation.

Diviſions amongſt Proteſtants very pernicious.

The next Deceit by which the Nation was to be gull'd into Popery and Slavery, was by fomenting Diviſions amongſt Proteſtants, and eſpecially about the Terms of Communion, making them ſo ſtrict and narrow, as to exclude the greateſt part of the Proteſtants in *England*, and Nine parts in Ten of the reſt in the World.

That this was not to promote God's Glory, and the Salvation of Mens Souls, but to ſerve ſome new Deſign, is clear to me from ſeveral Reaſons.

Penal Laws againſt Diſſenters executed with rigour.

Firſt, Becauſe the Laws againſt Diſſenters were ſtretch'd and executed beyond their genuine and natural Intent or Conſtruction: Where fair Play is intended, ſuch Tricks are altogether needleſs; but daily experience proves, that when they are made uſe of, ſome other thing is deſign'd than what is pretended. True Religion needs no ſuch Methods to ſupport it, the nature of which is Peace and Charity: and beſides, ſuch forc'd Conſtructions being nothing leſs than *ſummum Jus*, are abhorred by our Laws, and are looked upon no leſs than *ſumma Injuria*, the higheſt Injuſtice.

Secondly, The ſecond Reaſon for my Opinion is, becauſe that ſeveral Laws were put in execution againſt the Diſſenters, which were plainly and directly made for other Purpoſes, by which the *Law it ſelf ſuffer'd Violence*; and ſo it became evident to every Man that had a mind to ſee, that ſome foul Deſign and not the Church was at the bottom of the buſineſs.

More care to puniſh Nonconformiſts than to reform Lives.

Thirdly, Another Reaſon is this, Becauſe more Diligence and Care was employ'd to puniſh People for Nonconformity, than to reform their Lives and Manners. For if a Man were openly wicked and debauch'd, and very ſcarce, if ever, ſaw the inſide of a Church; yet if he could talk loud, and ſwagger bravely for the Church, and ſtorm againſt, and pull the Diſſenters to pieces, he was cry'd up by all means for a good Son of the Church, an honeſt Man, and truly affected to the Government: Whilſt thoſe who could not come up to all the Ceremonies enjoined in the *Rubrick*,

Rubrick, tho their Lives in all other reſpects were upright, and their Converſations unblameable, yet were call'd *Villains* and *Rogues*, and *Enemies to the Government*; as if the outſide and ceremonious part of Religion was more to be valu'd than the Subſtance and Eſſence of it: Which puts me in mind of a Paſſage I have met with in a Play, which is worth your hearing if I do not ſpoil it in the telling; it is in the Play call'd *Sir COURTLY NICE*, betwixt two Perſons, one is call'd Mr. *Hothead*, a very idle profligate Fellow, but who yet ſets up for a great Son of the Church, and cannot ſpeak or think with patience of any thing that inclines to Moderation; the other is call'd Mr. *Teſtimony*, as rigid and ridiculouſly ſqueamiſh on the other hand in his way: theſe two falling into a great Diſpute about their Opinions, *Hothead* out of his great Zeal to the Church, treats Mr. *Teſtimony* with very ſcurrilous Language, and bitter Invectives againſt him and all Diſſenters; as that they were the Plague of the State, and that he hoped to ſee them all hang'd, and declares the mighty Concern he hath for the Church. To which *Teſtimony* replys, Pray, good Mr. *Hothead*, forbear your indecent Language, you are too rude in your Expreſſions; what need you trouble your ſelf about the Church, ſeeing you your ſelf never go to Church? To which *Hothead* in great fury preſently makes anſwer, with a horrid Oath, What tho I do not go to Church, yet I am for the Church? This, Gentlemen, I believe you and every Man elſe can eaſily apply.

Sir Courtly Nice *quoted.*

I could never yet meet with any Precept in all the Goſpel, that doth juſtify ſuch Proceedings as I have mention'd; but there are ſeveral that expreſly condemn it. To me it ſeems altogether inconſiſtent with that Charity which is expected to be found in all thoſe that hope to enter into Heaven; and it ſeems to be little leſs than *teaching for Doctrine the Traditions of Men*, and to add to God's Word, which is prohibited under no leſs Penalty than that of Damnation.

Thoſe Laws inconſiſtent with Chriſtian Charity.

I am far from being againſt Order and Decency to be obſerv'd in the Church, yet under that pretence we are not to forget the Rule of Charity: And I cannot ſee wherefore *thoſe ſhould be terms of Communion, that are not terms of Salvation.* I was always of opinion, That it would never go well with *England*, till every Man might worſhip God in his own way; for nothing can be more unreaſonable than to expect, that a Man ſhould believe otherwiſe than according to the Conviction that is upon him, or that one Man's Opinion ſhould be a Rule or Guide to another Man's Conſcience.

Terms of Salvation ought to be Terms of Communion.

And therefore I cannot but wonder at thoſe who take offence at the late Act of *Indulgence*; which tends ſo much to our Peace, by quieting the Minds of the People as to their Religion, which hath ever been the Handle to our inteſtine Troubles; the Incendiaries of the State having ever made uſe of it as the beſt Pretence to embroil the Nation. And therefore I, for my part, do think that the *Act of Indulgence* was a neceſſary and pious Work, and cannot imagine why any Man ſhould think that to be a diſſervice to the Church, that tends to the Peace of the Nation. They who do ſo, I muſt believe, are not much concern'd in the Cauſe of the Church and their Country, and care not what is uppermoſt, provided they can but make fair Weather for themſelves.

Therefore, Gentlemen, if any ſpeak to the diſadvantage of the *Act of Indulgence*, you ought to preſent them as diſaffected to the Government, and ſowers of the Seeds of Diviſion in the State.

But I deſire to be rightly underſtood; I do not ſay this to diſſuade any Man from coming to the Church, for I go conſtantly thither my ſelf, and I wiſh every body could do it as eaſily as I do; and I wonder 'tis otherwiſe, for I never yet heard any good reaſon for the practiſing the contrary. Yet I think unleſs a Man be ſatisfy'd in that way of Worſhip, 'tis better to keep away than to come, for otherwiſe it is to mock and not to ſerve God: and on the other hand, it is no leſs a mocking of God, when a Man from an over-aſſurance of the *Gift of Prayer*, ſhall adventure to pray in Publick, without having before-hand well digeſted the Matter and Words; and therefore may happen to let fall crude and nauſeous Expreſſions, ſuch as would be ridiculous in private Converſation; for I am far from believing, that Nonſenſe can be the effect of Fervency, but rather of Affectation, or ſomething that is very reprovable.

None ought to come to Church that is not ſatisfy'd with the way of Worſhip.

And here it will not be amiſs or improper, to take notice of thoſe Perſons who go to no Church at all, but ſpend the *Lord's Day*, commonly call'd *Sunday* (as the Statute hath it) in an Alehouſe, or otherwiſe idle it away very unprofitably: againſt ſuch as theſe, was that Law of Twelve-pence a Sunday intended; and were

Going to no Church at all cenſur'd.

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it duly put in Execution, a great deal of that diſhonour that is done to God by ſuch Profanation, would be prevented, and the Poor would be reliev'd with leſs Charge to their reſpective Pariſhes. I wonder the Petty Conſtables are not more careful to make true Preſentments at every Petty Seſſions, of thoſe who herein offend; the Glory of God, and their own Intereſt being ſo nearly, I may ſay ſo immediately concern'd.

To ſuppreſs cuſtomary Swearing.

The next thing I would recommend to you is, as far as in you lies, to ſuppreſs that horrible Sin of cuſtomary Swearing, whereby the tremendous Name of God is every day blaſphem'd.

It is too true, that ſcarce any Man when provok'd, or in a Paſſion, has guard enough over himſelf to prevent his taking the Holy Name of God into his Mouth; and if any of us fall into that ſad Misfortune, we ought ſolemnly to beg forgiveneſs for it: But yet that whereby God's Honour ſuffers moſt, is cuſtomary Swearing; when Men do not think they expreſs themſelves handſomly without a horrible Oath, or more, to fringe off their Sentences. It is ſuch a daring Familiarity with God Almighty, as no Man would allow to his beſt Friends.

I believe there is not any of you, Gentlemen, but would be very angry to have your own Names us'd upon every ſlight and trivial Occaſion; and if ſo, I will not imagine that you will be leſs concern'd for God's Honour than your own.

High-ways to be repair'd.

It is a ſhameful thing to ſee how very much the High-ways are generally neglected and out of repair; the Fault of which does moſtly lie at the door of the Overſeers, whoſe chiefeſt care in them now adays, is how to ſhuffle off the Matter for their time, being very little concern'd for what comes after them: and by this means they bring at laſt a great burden upon their Townſhips, which would have been prevented by a ſmall Charge if but taken in time; and ſo the Townſhip ſuffers thro their neglect.

Vagabonds to be apprehended.

There are very good Laws againſt Vagabonds, but the execution of them is ſhamefully neglected; and it is ſtrange it ſhould be ſo, conſidering what encouragement the Law gives for the apprehending of ſuch idle People: For who ever brings any of thoſe Wanderers before a Juſtice of Peace?

The Towns thro which they laſt paſt unpuniſh'd, is to pay two Shillings apiece to him that apprehended them. Tho this Reward carry no weight with it, yet the great Miſchief that thoſe ſort of People bring upon the Publick, ſhould make every body vigilant.

It is an incredible Sum that they coſt the Nation in a Year; and conſidering how many Townſhips and Pariſhes are oppreſt, and almoſt ruin'd by the Accidents that are hereby brought upon them, it is wonderful that People ſhould rather chuſe to forſwear themſelves than do their Duty; but ſo it is in this Caſe.

Were theſe Wanderers duly puniſh'd, it would reform many of them, and diſcourage others from following ſo bad an Example; whereas the great remiſneſs of Conſtables and other Officers in this point, is a great temptation to many who otherwiſe would think of ſome more lawful, as well as profitable ways of living: A neglect and ſlowneſs to puniſh, increaſes the number of Offenders.

Theſe things, Gentlemen, I in particular recommend to you, not as all your buſineſs, but yet as things that cry aloud for redreſs: for there do fall within your Enquiry, High-Treaſons, Petty-Treaſons, Felonies of all ſorts, whether againſt the Perſon, Poſſeſſion, or Goods of a Man; Riots, Routs, and unlawful Aſſemblies, and every thing that is an Offence againſt the Publick Peace: in which I am not more particular, becauſe I fear I have held you too long already; and therefore I will trouble you no farther, but pray God to direct you in your Buſineſs.

The Charge of the Right Honourable HENRY *Earl of* Warrington, *to the Grand Jury at the Quarter Sessions held for the County of* Cheſter, *on the* 11th *of* October, 1692.

Gentlemen,

PEACE in a Nation is like Health in a natural Body, whoſe Value is not ſufficiently known, but by the want of it; and herein God Almighty is wonderfully gracious to this Land, not only in continuing to us the Bleſſing of Peace, but in teaching us the worth of it, by letting us ſee the Nations round about us in War, and groaning under all the miſerable Effects of it, whilſt it is kept at a diſtance from us, and we are only at ſome Expence which is unavoidable, all Circumſtances conſider'd, unleſs we will ſubmit to that Monſter the *French* King. And indeed God hath done ſo many and great things for us, that nothing is wanting to compleat our Happineſs, but our ſelves.

Delive-rancegreat.

Of all the Mercies this Nation hath lately receiv'd, I think our Deliverance from King *James* was none of the leaſt, if it be a Mercy to be deliver'd from Popery and Slavery.

That we were in great danger thereof, I think was very evident from what we had ſuffer'd, and what King *James* apparently further deſign'd to have done, had he been let alone a little longer; for his Adminiſtration was become ſo exorbitant, that Men of all Perſuaſions (many of the Papiſts not excepted) did think his Yoke intolerable, and that it was highly juſt to be reliev'd againſt his Oppreſſions; for when the Prince of *Orange* landed, ſcarce any Man appear'd for King *James*, nay a great many of his Army deſerted him; which Coldneſs and Neglect could not probably proceed from any thing ſo much as from the ill Opinion they had of his Cauſe.

No ground for believing better of King James *now than before.*

Now if any that were then ſo indifferent, and paſſive, have lately conceiv'd a better Opinion of him, it may well be ſuſpected that a particular Pique, or ſome ſiniſter Biaſs guided their Motion at that time: and if ſo, it's no matter what ſide they are on; for thoſe who are govern'd in ſuch caſes by any thing but a publick Principle, are eaſily turn'd about by every Breath of Air. Nor can I imagine what can give any Man a better Opinion of King *James* now, than he had of him before he went into *France*, the only place, as he ſays, he could retire to with ſafety; conſidering how improbable it is, that any Inſtructions which that Tyrant may give him, will make him leſs inclin'd to Popery and Arbitrary Power.

Before I come to the Particulars of your Enquiry, give me leave to ſay ſomething of a great Deliverance which God wrought for us this Year.

To talk of Plots and Conſpiracys againſt the Government, may be rather to tell ſome People News, than that which they do believe; becauſe we have already heard of many Diſcoveries of Plots, but none that have been proſecuted; and for that Reaſon men may be inclin'd to think they were rather fictitious than real Plots againſt the Government.

Plots not believ'd becauſe not proſecuted.

Plots ſometimes are not proſecuted, either becauſe of the great Indulgence of the Government, being deſirous to gain people rather by Mercy, than by being too extreme to mark what is done amiſs; or it may be, becauſe the Government hath a more than ordinary Tenderneſs for that ſort of People; or it may be, becauſe ſome of the Miniſters of State are concern'd in them: But whether for any of theſe Reaſons, or others, it is that we hear of no great Proſecution of thoſe Diſcoveries that have been made, I will not pretend to determine, time will beſt explain this and other Myſteries of the like nature.

Yet this I will adventure to ſay, That it is not ſo ſafe a Rule to meaſure Plots by, whether they be true or falſe, by the Remiſneſs or Forwardneſs of the Government in proſecuting of them, as to conſider how far it is the Intereſt of the Perſons accus'd to carry on ſuch a Deſign. And herein every Man of a reaſonable Underſtanding is as capable of giving a Judgment, as the Miniſters of State.

Credulity not commendable.

I would not encourage any Man to be over-credulous in believing Plots; and yet there are ſome Conſpiracies that carry their own Conviction along with them; as it will always be the Intereſt of the Papiſts to bring in Popery, and of the Non-Jurors, and thoſe who take the Oaths in a double Senſe, to bring in King *James*. Nor would I be the Occaſion of puſhing on a Proſecution with too much Violence; and yet to be too remiſs is an Error of the other extreme, and ſeems to intimate, that either the Government is afraid of them, and dare not call them to account, or elſe it is neceſſary to oblige that ſort of People all it can: and whenever either of thoſe caſes falls out, it is ſooner or later miſchievous, if not fatal to the Government.

Invaſion from France *deſign'd laſt Year.*

I ſuppoſe you have heard that King *James* intended to land here the laſt Spring with a *French* Force: tho this ſeems to be already forgot by ſome, yet I am verily perſuaded that many People believe it, becauſe of the Notoriety of the thing. For they that doubt of it, may as well queſtion whether there was a Gunpowder Plot; for it is as plain as a thing of that nature can be, which has not actually taken effect.

It was wonderfully prevented; firſt by the Eaſterly Winds that continu'd ſo long together; and next by the happy Succeſs of our Fleet, even beyond what any Man could have hop'd for at that time. All things conſider'd, it was wholly the work of God, and to his ever bleſſed and holy Name be the Praiſe and Glory of it; tho the Nation hath not yet made ſo publick an Acknowledgment of it, as it uſually doth upon leſs Occaſions than that was.

The defeating of that Deſign is a Mercy never to be forgotten; for we do not yet know of any Deſign that was ever form'd againſt this Nation, that could have been more bloody and deſtructive than that would have been.

King J. *his deſign.*

For King *James* in his Declaration doth expreſly ſay, That his Intent is to ſpend the remainder of his Reign, as he hath always deſign'd ſince his coming to the Crown.

Theſe Words ſpeak a great deal of Comfort to *England*, for they cannot mean leſs than what he hath already done.

His illegal Actions whilſt on the Throne.

When he took the Cuſtoms againſt Law.

Carry'd on Sham-Plots by his Countenance and Bribery, to deſtroy honeſt and worthy Men.

When he raviſh'd the Corporations of their Liberties and Franchiſes.

When he turn'd out Judges for acting according to their Conſciences, and fill'd the Benches with the Raff of the Gown.

When he avowedly ſet up Popery, and erected publick Chappels in all parts of the Kingdom.

When he plac'd notorious Papiſts in the Seats of Juſtice, and brought a Jeſuit into his Councils to preſide publickly there, which was more than any Popiſh Prince ever did.

When he ſet up a High Commiſſion Court.

When he kept up in time of Peace a numerous Army, to the Terror of his Subjects, and allow'd ſo little for their Quarters, as that it amounted to little leſs than free Quarter.

When he aſſum'd a diſpenſing Power, and declar'd that he would be obey'd without reſerve.

Theſe and a great many other Irregularities were the Product of his Reign; and it is not very probable that he is brought to a better Temper by any thing that he hath ſeen or learnt from his Converſation with the *French* King; and it is as little probable that that King would have treated him as he hath done, had he diſcover'd in King *James* any Diſpoſition to govern more mildly and reaſonably for the future.

King J. *his* French *deſigns.*

How much he is influenc'd to the contrary, is very evident, by deſigning to bring in the *French* upon us; the People of all others this Nation ought moſt to dread, being the old and irreconcilable Enemy of *England*. For whoever looks into Hiſtory, will find that *France* has occaſion'd more Trouble to *England*, than all the World beſides. Nay there has ſcarce been any ill Deſign againſt this Nation, but

but *France* hath had a hand in it; as if their very Climate did neceſſitate them to be at Enmity with us.

When any of the Kings of *England* have had a Deſign upon the Peoples Liberties, they have entred into a Confederacy with *France*, as the People of all others moſt likely to ſerve their Purpoſe; and it has always gone ill with *England*, when our Kings have made an intimate Friendſhip with the *French* King, as we may remember by woful Experience.

Let us conſider, beſides, that no People under the Sun are at this day ſo noted for Treachery and Cruelty as the *French*; of which they have given ſuch pregnant Inſtances upon the Proteſtants of their own Nation, and in their new Conqueſts, as were never done by the moſt barbarous and unciviliz'd People. For after Terms agreed on, and ſubmitted to, without any new Provocation, or other Occaſion given by thoſe poor Creatures, the *French* have fallen upon them, taken from them that little that was left, and in cold Blood murder'd them, ſparing neither Age nor Sex. And ſhall not we then think our ſelves in a comfortable Condition, when we have ſuch Task-maſters as theſe ſet over us? *The* French *noted for Treachery and Cruelty.*

But it ſeems theſe are they by whom King *James* hopes to be reſtor'd to his Kingdoms; it is by theſe that he means to do his Work, and they are the Inſtruments he will imploy to make the Settlement he deſigns in *England:* for in his Declaration he plainly tells us, That if thoſe he brings over with him, are not ſufficient, he has more of the ſame ſort ready at hand.

Now, tho a Reconciliation with King *James* were practicable under a Suppoſition that there could be any moral Aſſurance that he would ſacredly keep his Word, and that he had more juſt and righteous Intentions than heretofore; yet to come in ſuch Company, and to bring ſuch a Train along with him, makes it impoſſible to all thoſe who have not abandon'd all Senſe of Religion and Morality, and are not reſolv'd to run into all the Exceſſes of Cruelty and Oppreſſion. *No Reconciliation practicable with King* James.

But that nothing might be wanting to give Succeſs to this fatal Enterprize, and make our Ruin more certain, ſeveral Perſons in *England*, I believe ſome in every County, were not only privy, but conſenting to it, and had prepar'd Horſes and Arms to aſſiſt the *French* at their Landing; yet of what Profeſſion or Communion they are, I forbear to name, and leave that to be explain'd when they are call'd to account: and therefore only ſhall ſay in general, That they who could ſo take the *French* by the Hand, may well be ſuppos'd to have renounc'd the Proteſtant Religion, and the Intereſt of their Country, and all Bowels of Compaſſion to their Poſterity, and are reſolv'd to keep pace with the *French* in the Murders and Havock they ſhall commit; for there is no looking back, after being engag'd in ſuch Undertakings; the leaſt Remiſneſs would render them ſuſpected, and bring them in danger to be involv'd in the common Deſtruction. *The Landing of King* James *known to many.*

After all this, what theſe Men will call themſelves, I know not, for they cannot pretend to the Name of Proteſtants and *Engliſh* Men; what they deſerve, I ſhall leave to the Law, which is to judg them. *Such deſerve not the name of Proteſtants.*

What we are always to expect at their Hands, when they ſhall have Power and Opportunity, I think, without breach of Charity I may adventure to ſay, is all the Miſchief and Ruin that our greateſt Enemies would bring upon us.

What we are to do, is to bleſs God for bringing the Deſign to light before it took effect; and to do our beſt endeavours to detect thoſe who are concern'd in ſo unnatural Deſign, that Juſtice may paſs upon them.

For, are not ſuch as theſe more to blame than any others, who were to have a hand in this Matter? Was it not more unnatural and unreaſonable for them to join with the *French*, than for the *French* to have ſuch a Deſign againſt us? Would not their joining in it have been the chief Inducement to bring in the *French* upon us? For ſuch an Attempt is altogether impracticable, without holding an effectual Correſpondence here, or elſe to ſurprize us, when we are together by the Ears in a civil War; ſo that in effect it is they that had brought all the Deſolation that would have fallen upon their Native Country, if that Deſign had but once taken effect.

He that can be conſenting and aſſiſting to the rooting out of the Proteſtant Religion, and Ruin of his Country; what other thing is there that can be ſo bad, which ſuch a one would refuſe upon the ſcore of Honour and Conſcience? *The wickedneſs of the Deſign againſt the Proteſtant Religion.*

May not a Man, without being thought ſevere, ſay, What profligate Wretches are theſe? What Accommodation can be made with ſuch Perſons? And what Secu-

Security from them can be hoped for longer, than they want opportunity to hurt us?

Is it not then the Duty of every Man, that hath any concern for his Religion or Property, to do what in him lies to diſcover and bring theſe Projectors of our Ruin to Juſtice?

Perhaps you may not receive any clear Information, ſuch as will legally convict any Perſon of being engaged in the Deſign I have mention'd; but you may receive ſuch Information as will convince any reaſonable Man, that they are concerned in this, or ſome other foul Practice againſt the publick Peace.

Jacobites preſum'd to be concern'd for K. J.

Thoſe who have refuſed the Oaths to this King and Queen, cannot be ſuppoſed to be altogether unconcerned for King *James*; but if any ſuch had provided themſelves with Arms, or unuſual numbers of Horſes, this is what ought not to be paſſed over unregarded: It muſt be for ſome purpoſe that they had ſo furniſhed themſelves, for People do not uſually put themſelves to that Expence, but when they have a proſpect of making uſe of them; their refuſing the Oaths is Evidence ſufficient that they did not deſign thoſe Horſes and Arms for the Service of the Government; then it will naturally follow, that it was againſt the Government. There is no medium in ſuch Preparations betwixt being for or againſt the Government; He that is not with us, may in reaſon be ſuſpected to be againſt us.

Arms and Horſes bought up.

If any Perſons, who have not taken the Oaths, and long before this Plot had provided themſelves with Arms, yet either upon a Rumour of ſearching for Arms have conveyed them away, or before that Report had diſperſed them into Hands that are not well affected to this Government, or elſe not duly qualify'd to keep ſuch Arms, theſe may juſtly be ſuſpected of having ſome ill Intentions: or wherefore ſhould they put them into the hands of other People, but with a deſign to imploy thoſe Perſons in the uſing of them? And then can any Man ſuppoſe, that it was intended for the Service of this Government?

K. James's Landing much talk'd of before.

There is a Report of a ſort of People, who for ſome Months before the time that King *James* intended to land here, talk'd very much of it, and what powerful Aſſiſtance *France* would give him for that purpoſe. If you, *Gentlemen*, ſhall be informed of any ſuch, it is your Duty to take notice of it, becauſe it is plain by what has come to light, that they did not ſpeak without book; they could not make ſuch Diſcourſes for want of having ſomething to ſay, but to incourage People to come into it, and to promote the deſign. For Men do not purpoſely bring on ſuch Diſcourſes as will render them ſuſpected, and expoſe them to the diſpleaſure of the Government, but out of a proſpect of ſome advantage.

I do alſo hear that ſeveral, who had formerly taken the Oaths to this King and Queen, did about the time that this Deſign ſhould have been put in Execution, refuſe the Oaths, being upon occaſion tender'd to them and others, who at that time did wiſh they had not taken them.

Refuſers of the Oaths ſuſpected.

If, *Gentlemen*, you ſhall be informed of any ſuch, you ought not to paſs it over in ſilence; for by their refuſing the Oaths at ſuch a time, they juſtly render'd themſelves ſuſpected, that they were at leaſt privy to that intended Invaſion of the *French*. It is a vain Excuſe to pretend they did it out of Conſcience; for if they thought it lawful heretofore to take the Oaths, how comes it to be leſs lawful now? But if ſome prudential Conſideration, and not Conſcience, prevail'd with them at firſt to take the Oaths, there is then very little reaſon to imagine, that there was more of Conſcience in refuſing the Oaths at that or any other time, but rather that they were making fair weather againſt ſome expected Revolution; for otherwiſe, why of all others was that time pick'd out to diſcover an Averſion to this Government?

Spreaders of falſe News.

Gentlemen, If any endeavour to leſſen the Victory we had at Sea this Summer, and to cry up the Naval Force of *France*, thoſe do bring themſelves under the Suſpicion of being no ill Wiſhers to the late Deſign of the *French*; for wherefore ſhould any deſire to make our Succeſs to appear leſs than it is, if he were not ſorry that we had got the better? And wherefore ſhould he extol the *French* Power at Sea, if his good Wiſhes did not attend their Deſigns, or elſe did thereby hope to keep up the hearts of the *Jacobite*, *Frenchified* Party, that they ſhould not deſpair, but expect ſome favorable Opportunity to put their Deſign in execution? For they muſt intend either good or bad to us thereby; and which was moſt likely, I leave to every Man to judg.

I mention theſe things, not that I am of opinion, that any or all of them put together, without ſome other direct proof, is Evidence ſufficient to convict a Man upon

upon a Trial; for God forbid that any Man ſhould be condemned but upon a fair Trial and clear Evidence.

But I take notice of theſe things as they render Perſons juſtly ſuſpected to be privy to, or approving of the late Deſign againſt this Nation, which as every honeſt Man ought to abhor, ſo it is his Duty to keep a watchful Eye over them; becauſe I am far from being of an Opinion that they have given this Deſign over as a loſt Game, by reaſon that it was laid ſo broad and deep, and ſo many are concerned in it, that the Succeſs of it is of the laſt conſequence to them, their only Safety being placed in it; and beſides, becauſe of the encouragement they do receive from the unfortunate Diviſions that are amongſt us. *Grounds of Suſpicion.*

And there is yet another thing, which I apprehend is no ſmall cauſe of encouragement to them, and that is the little haſt made by the Government to call them to account.

Of all the Ills of the two laſt Reigns, in my opinion nothing was ſo treacherous and deviliſh as that of making Parties amongſt us, that we might become our own deſtroyers: for as it was the ſureſt method to effect our Deſtruction, ſo if any thing ſhould interpoſe to prevent our ruin, yet nothing is more difficult than to make up ſuch a breach; and therefore the beſt that could be hoped for from it, was to entail upon this Nation heart-burnings, and all the fatal Conſequences of it. *Parties Self-deſtroyers.*

I have the Charity to hope that many who helped to carry on that ruinous deſign, did it more out of ignorance, than out of any ill intention. I believe the Arbitrary Sermons, deliver'd as the Oracles of God, might draw in a great many unwary People; others might comply out of hopes of Preferment, or fear of being haraſſed by ſome powerful Neighbours. But as new Light is ſprung up, ſo I wiſh from my heart, that Men would walk accordingly. If any Man was miſled in the late times, it is not his ſhame, but duty, as a wiſe and honeſt Man, to repent of his Error, and forſake it; for he that ſhall be convinced of it, and yet will perſiſt in it, will find very few to whom his obſtinacy will recommend him.

If any do think they were in the right, when they ſerv'd as Bauds to the Arbitrary Luſts of the two late Kings; I heartily pity them, for their caſe is deſperate: yet I am perſuaded that none of them would of choice have had ſuch a Power exerciſed upon themſelves; and if ſo, they muſt grant, that what they would not have done to themſelves, is not lawful for them to do, or bring upon others. *Servants to the Arbitrary Will of the two laſt Kings, Who?*

If they adhere to what they did, either out of hopes of Preferment, or fear of being cruſhed by thoſe in Power, they muſt believe that this King and Queen are reſolv'd to go by the ſame Methods that were taken in the two late Reigns, or elſe that nothing elſe will make this King and Queen ſafe and glorious.

Were the reſt of Mankind of this Opinion, this World would be a miſerable place: ſurely Mankind was born for ſome nobler End than ſo; or elſe one would ſuppoſe that God had made Man not after his own Image, but rather that of an Aſs, or ſomething elſe that is beneath a Rational Creature.

For is it not ridiculous, that any thing ſhould be more excellent and knowing than that which is to govern it? Is an inſatiable deſire of Power preferable to that Reaſon with which Man was indued at his Creation? Muſt a Man give up that to which he has a clear right both by the Laws of God and his Country, becauſe another who is at that time guided by his paſſion deſires to lay hold of it? What Juſtice can any Man promiſe to himſelf, when Paſſion is above the Law? What ſignifies Law, if the King's Will muſt be the meaſure of our Obedience? To what purpoſe are Parliaments, and all thoſe other Proviſions which our Forefathers made to preſerve our Liberties, if Prerogative were in truth that Omnipotent thing, which it boaſted it ſelf to be in the late Reigns? *Reaſon more valuable than Power.*

That Man is ſurely out of his way, that is beſide his Reaſon: Had Men been guided by it, and nothing elſe, there had been no miſunderſtandings about Government: Reaſon will not miſlead us, but other things will; be reſolv'd to follow that, and you will be ſure to approve your ſelves in the ſight of God and Man.

Having ſaid this, I will now proceed to the Particulars of your Enquiry.

The firſt of which is, High Treaſons; of which there are ſeveral Sorts and Species, both at Common-Law, and by Statute-Law; but thoſe only that are made ſuch by ſome Statutes, are thoſe that fall within your Enquiry.

To compaſs or imagine the Death of the King or Queen, and that declar'd by ſome Overt and plain Act, is High-Treaſon by the 25 *Edw.* III. but ſuch Acts muſt be *What Treaſons to be enquir'd into.*

be direct and clear, void of all Implication, or other Conſtruction, or elſe it will not make it Treaſon within this Statute: for this Statute was made to take away conſtructive Treaſons, and thereby reliev'd the Subjects againſt an unſpeakable evil, under which they had labour'd for many Years; for till then the Judges took an extravagant Liberty in ſtamping Treaſon upon almoſt any Offence that came before them, which coſt many an innocent Man his Life, contrary to all Reaſon and Juſtice; ſo that this Statute was a very beneficial Law for the Subject.

To levy War againſt the K. or Q.

To levy War againſt the King or Queen in their Realm, or to adhere to their Enemies in the Realm, or to give them comfort here, or elſewhere, is High Treaſon by the ſame Statute.

But a Conſpiracy to levy War, is not Treaſon, unleſs the War be actually levied, tho the contrary Opinion prevail'd in the late Times, whereby ſeveral worthy Men were murdered.

It was a very far-fetch'd Opinion, and could never have obtained but in that or ſome other corrupt Age, when all Law and Juſtice was given up to the Will and Pleaſure of the King: For my Lord *Coke* is expreſs in it, That unleſs the War is actually levied, it is not Treaſon; and I remember in the Debate in the Houſe of Lords upon the Bill for reverſing my Lord *Ruſſel*'s Attainder, the Lords were unanimouſly of Opinion that it was not Treaſon, and upon that ground chiefly they paſſed the Bill.

To counterfeit the Great Seal is High-Treaſon by 25 *Edw.* III. and very good reaſon it ſhould be ſo, becauſe of the great Authority it carries along with it; it would be often attempted to be done, and thereby innumerable miſchiefs would follow, and breed a great deal of Confuſion.

To counterfeit the King's Mony.

To counterfeit the King's Mony, or to bring in falſe and counterfeit Mony, knowing it to be ſuch, or to make Payment with it, is High-Treaſon by 25 *Edw.* III. and ſo it is to clip, file, or waſh Mony, by 3 *Hen.* V. And very good reaſon it ſhould be ſo, for theſe, and every of them, are a great Offence againſt the Publick. For Mony being as it were the Sinews of the Nation, to impair or counterfeit it, is a great loſs and damage to the Publick; ſo that the Offence in ſo doing, is not becauſe it is marked with the King's Image; for the *French* Mony, and the *Spaniſh* Coin and others are current in *England*, which have not the King's Image upon them: but the true reaſon is becauſe of the great intereſt the Publick has in it; and it would be the ſame thing if the Mony had any other Stamp or Size put upon it by Publick Authority.

To kill the Chancellor, Treaſurer, or the King's Juſtices, being in their Places, doing their Offices, is High Treaſon by 25 *Edw.* III. It is very great reaſon that they who ſerve the Publick in ſuch eminent Stations, ſhould have the publick Protection; for when they faithfully and honeſtly diſcharge their ſeveral Truſts, the Publick receive great advantages by it, and therefore this Offence was made High-Treaſon.

To counterfeit the Sign-Manual.

To counterfeit the Sign-Manual, Privy-Signet, or Seal, is High-Treaſon by 1 *M.* 6. and I think it is ſo by 25 *Edw.* III. to counterfeit the Privy-Seal. And the reaſon why the Offences in theſe Caſes are made ſo capital, is, becauſe of the great detriment they bring upon the Publick.

To promote a Foreign Power is High-Treaſon by 1 *Eliz.* and very fit it ſhould be ſo: for every Man will allow it is a great Offence to ſet up any other Power in oppoſition to the publick Authority.

A Prieſt or Jeſuit being in England is Treaſon.

For a Prieſt or a Jeſuit to come and abide within this Realm, is High-Treaſon by 27 *Eliz.* I believe a great many People have been under a very great miſtake in this matter, ſuppoſing it was upon the ſcore of Religion that the Prieſts and Jeſuits were put to death; whereas it was quite otherwiſe, for it was upon a Political account that they ſuffer'd, it was for an Offence againſt the Government that they were executed. For it having been found by experience, that this ſort of Vermin by their Doctrine and Practice ſow'd the Seeds of Diviſion, and thereby wrought great Diſturbances in the Nation; it was therefore thought fit by the Parliament to take this way as the moſt effectual to keep them out: for as what they did, amounted to nothing leſs than Treaſon, ſo it was highly reaſonable that the Puniſhment ſhould be commenſurate to the Offence. And ſince it is become a Law of the Realm, if this ſort of People will be ſo preſumptuous as to break it, they have no body to blame but themſelves, if they ſuffer by it; for it is a very juſt and reaſonable Law.

To abſolve any from their Allegiance, or to be abſolv'd, is High Treaſon, by 3 *Jac.* 1. The Law does heighten or abate the Puniſhment, according as the Offence does more or leſs affect the publick Peace; ſo that the more it tends to the publick Prejudice, the greater is the Offence: and what can ſtrike more directly at the ruin and overthrow of the Nation, than to withdraw the People from their Allegiance, and to become the Deſtroyers of their Native Country? And ſince thoſe that abſolve, and thoſe that are abſolv'd, have thereby declar'd themſelves Enemies to the Nation, it is very fit the Government ſhould treat them as ſuch.

The next Offence is Petty-Treaſon; as for a Wife to kill her Husband, a Prieſt his Ordinary, a Servant his Maſter; theſe are made ſo Capital, becauſe of the Obedience and Subjection which they ought to pay, by reaſon of the Power and Authority which the Law gives the other over them. *Petty-Treaſon.*

The next Offence is Felony, and it is either againſt the Perſon, or the Goods, or Poſſeſſion.

Againſt the Perſon of another:

To kill another with Malice prepenſed, either expreſſed or implied, is Murder. *Killing.*

Deſignedly to cut out the Tongue, maim or disfigure another, is Felony without benefit of Clergy. *Felony.*

To ſtab or piſtol another, without a Weapon be drawn, or a Blow given by the Party that is ſlain, is alſo Felony without benefit of Clergy. *Stabbing.*

And ſo is Buggery with Man or Beaſt, a Sin that could never have entered into the thoughts of Man, till they were fallen to the loweſt degree of Depravity.

So it is to raviſh a Woman, that is, to have the carnal Knowledg of her Body againſt her Conſent; and ſo it is to lie with a Child under ten years old, tho with her Conſent.

So is Witchcraft; but it is an Offence very hard to prove.

So is Poiſoning, the moſt ſecret and treacherous way of Murdering, of all others; an Offence ſo abhorred by the Law, that by Statute 22 *Hen.* 8. *c.* 9. it was made Treaſon, and the Judgment was, to be boiled to Death; but it is ſince alter'd and made Felony, by 1° *Edw. 6th, c.* 12. It is ſurely an Offence that deſerves a ſevere Puniſhment, becauſe there is no Fence againſt it: In all other Caſes a Man has ſome means of defending himſelf, but in this none. *Poiſoning.*

All theſe Felonies are Death without benefit of Clergy.

Manſlaughter is when two fall out, and fight immediately, or ſo ſoon after, as it may be ſuppoſed that that Heat continued, and one of them is ſlain: Here there is benefit of the Clergy, becauſe there does not appear to be any premeditated Malice. *Manſlaughter, what?*

To kill another by Accident, doing a lawful Act, is Chance-medly; and if a Man is aſſaulted by another, and in his own Defence he happens to kill him, theſe the Law pardons of courſe.

Felonies againſt the Goods or Poſſeſſion of another, are ſuch as theſe, *viz.*

To rob on the High-way; for the Law will protect the Goods and Perſons of thoſe who are upon their lawful Occaſions; and it is very reaſonable that thoſe who travel on the Road, ſhould have ſome ſuch Guard, or elſe the Trade and Buſineſs of the Nation would be very much obſtructed, and ſuffer great damage. *Robbing on the High-way.*

To take away any thing privately from the Perſon of another; if the Puniſhment of this were not great, it would become a great Trade, for it is ſo eaſily done, and ſo hard to be prevented, that a Man's Mony would be ſafer any where than in his Pocket.

To ſteal a Horſe.

Deſignedly to burn a Stack of Hay or Corn; if it be done by Accident, it is but a Treſpaſs; but being done by Deſign, it carries ſo much Malice and Wickedneſs along with it, that it juſtly deſerves to be puniſh'd with Death.

To rob a Church.

To break into a Houſe, and take any thing thence by Night, or by Day; for this carries a double Offence along with it; for the Goods of another are not only felonioufly taken from him, but he is alſo put in fear of his Life, where he ought to be moſt ſecure, and undiſturb'd, which the Law accounts a great Offence.

To rob any Booth in a Fair or Market; this became ſo common a Trade, that all other Remedies to prevent it prov'd ineffectual; and therefore it was made Felony without benefit of Clergy, as are the reſt that I have mention'd.

Acceſſories guilty. The Acceſſories to all theſe and other Felonies do fall within your Enquiry; for generally where benefit of Clergy is taken away from the Principal, the Acceſſories before the Fact are likewiſe to ſuffer Death: and good reaſon is it, that he who is partaker in the Crime, and without whoſe Concurrence and Aſſiſtance it could not have been effected, ſhould fall into the like Condemnation.

Petty-Larceny, what. Petty-Larceny is the ſtealing of a thing that is under the value of 12 *d.* tho it is a ſmall Offence, yet the frequency wherewith it is committed, requires your care to ſuppreſs it; for the truth is, there is a parcel of idle wandring People, whoſe whole buſineſs is to go from place to place to ſtrip Hedges, and commit ſuch like Offences.

There are ſeveral other Offences that are inquirable of by you, but I omit to mention them, becauſe I believe your own Obſervation will help you therein: Only thus much I will obſerve in general, that whatever is an Offence againſt the Publick Peace or Plenty, falls within your Enquiry. And having ſaid this, I will keep you no longer from your Buſineſs.

The State of Parties, and of the Publick, as influenc'd by thoſe Parties in this Conjuncture, offer'd to Engliſhmen.

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'TIS a miſerable Circumſtance, and the general Ruin of proſperous States, when Parties out of ſeparate Intereſts and Paſſions purſue different Ends of their own, without regard to the Publick, altho the chief Intereſt of each: But it is a Circumſtance beyond common Miſery, a Propenſity to Ruin more than natural, and a Fatality on Mankind, greater than has been ever obſerv'd perhaps in any Country or Set of Men, that they ſhould be divided into Parties from the Publick Intereſt, when there is not ſo much as any real particular Intereſt, in effect, carrying on in any of thoſe different Parties; not any of theſe diſcriminating Intereſts ſo laid, or ſo purſued, as that, by all the violent Steps taken by the Engagers, they are any ways advanced. So that altho Violence be done, and ſtill doing perpetually to the Publick; tho all contend for the promotion of that Intereſt or Party under which they only look for any Happineſs: Yet for all this, not one of theſe Intereſts receive any Advantage; not one of theſe Parties are likely to procure or come any thing near their End.

Our Nation muſt be allow'd to be in a moſt compleat way to Miſery, if this be proved their Caſe.

Parties of two ſorts. That there are Parties 'tis well known. The firſt great Diviſion is between King *William* and King *James*, which takes in all our preſent active Men: For as for Commonwealths-men, which ſome would have to be a third diſtinction, beſides the Turn it ſerves at Court, it has no meaning; unleſs the quiet part of *England*, thoſe tired with Revolutions, and farther Engagements with Men of theſe Days, or thoſe that are divided in their Thoughts upon the Intereſts of either King, as they ſtand to *England*; unleſs, I ſay, theſe be they call'd *Commonwealths-men*, however abſurd it be.

The Jacobite Party and their Intereſts. Of theſe two Intereſts, that of King *James* does properly make but one Party, tho the other two. Thoſe, I ſay, make but one Party, as they act in the Publick: for they having in proſpect only, and as the End of all their Agitations, the Government of King *James*; they are not now divided, nor can be yet, whilſt unprevailing, in any Diſpute or Difference conſiderable about Adminiſtration, as how, by whom, or in what Methods, favouring one or other Party, that Government ſhall be carried on. The ſide then of the now-governing King being turn'd into

Whig

Whig and *Tory*, there are but three Parties that pull different ways, or with any noted Force in the Publick Affairs.

The meaning of all theſe Men, if they have their main Intereſt, their Stake, Eſtate and Friends in *England*, is and muſt be to preſerve *England*, tho not from perfect Monarchy, and abſolute Power of a Crown at home (which ſome approve of and like the beſt, whatever Name of Tyranny or Slavery it has heretofore gone by) yet to preſerve us, at leaſt, from the Yoke of Foreign Power, from being overgrown by States that are about us, and coming down from being the principal in Power and Riches, to be the laſt of *Europe*, or but once inferior to any of theſe neighbouring ones; which will turn to as much, ſince it neceſſarily ſubjects us to the Miſeries of thoſe Invaſions we indured of old, as then the Common Prey of all the World, and every riſing Nation. This ſurely, whatever elſe may be his Intereſt, is the Intereſt of every individual *Engliſhman*, in all theſe Parties to prevent: But if this be what is leaſt done; if this not only be not prevented, but be the only thing that every Party, every Side, tho not intentionally, yet really, does draw on, advance, promote, and nothing elſe, no not their Party-Intereſt, not any valuable Victory or Triumph that one may gain above another, ſo much as gratifying a Paſſion; Then are we in that State I mention'd, in the faireſt, moſt miraculous way that can be thought on to every thing that can be call'd Ruin or Deſtruction to a Country.

That when we loſe our Strength, we are more miſerable than any other People, the ſureſt Seat of the moſt various, ſharp and laſting War, Experience the moſt remarkable that ever was has taught us, from the higheſt remembrance of our ſelves thro *Romans*, *Danes*, *Saxons*, and many Nations more (tho leſs remark'd) down to the laſt *Normans*, and that concluding Conqueſt which by the Power of the Conqueror abroad, and the Continuance of his Line here, eſtabliſh'd us on our own Bottom. And that this was not mere Misfortune, bat that it is a Fate peculiar to us, I mean, that it is a natural Evil to us more than any Country, when we are low; whoever ſtudies our Situation, and the Growths of Nations on the Continent, will know, that ſuch a Country as this is more diſputable than any other: that the Dominion of it cannot be ſo fixed, and the immediate Maſters of it, however powerful on the Continent, not able to inſure to themſelves the Poſſeſſion of it, by holding it out againſt Strangers, or guarding it from their Enemy, ſo well as of other Places; that this is in that Senſe as a Frontier Country; with this difference, that thoſe that are really Frontier Countries, tho they are ſo this day, may have the luck not to be ſo a little while after; but that this Country has always the Nature of a *Frontier*, ever to maintain War in it, and to be the Subject and Place of Contention amongſt thoſe that are ſtronger than it ſelf, whenever ſuch there are.

Our Security by being an Iſland.

In fine; That as we are an Iſland, and have the Sea round us; ſo by being Maſters of that (which is, in ſhort, by being in the practice of it moſt, and can be no otherwiſe) we muſt of conſequence be the ſtrongeſt in the World, as the World is now turn'd to Navigation, and each Country by degrees at length brought to depend abſolutely on Trade, by wanting many Neceſſaries from Foreign Places, which once they could live without perhaps, but ſince cannot, nor can defend themſelves without: this being the Change that the improv'd Art of Navigation has made in the World; tying Countries to a reciprocal dependency on one another for their Growths, and obliging them to ſome ſort of Correſpondency. But on the other ſide, that as we are the ſtrongeſt in Situation by being an Iſland, the Dominion of the Sea ſuppos'd to be with us: ſo that being loſt to us, and in any other hands, or divided amongſt others, we are of all the moſt and worſt expos'd.

This being granted, it follows, that whatever Circumſtances of ours admit other Nations, Foreigners, whatſoever to grow (tho at the ſame time we were granted to grow too) ſo, as in proportion, above us in Navigation and Trade; this neceſſarily ſubjects us to all the Miſeries before pointed at, and is the direct way leading to a Conſequence no ways to be evaded: for when that Work is done, and the Advantage once given up, whatever Party do (as they think) their Work, 'tis altogether vain to imagine that any ſuch Party, or any Party whatſoever prevailing in this Nation, or all of them united in one, can call it back, or by any Means, Arts of State, Treaties or Engagements whatſoever, be able to turn off that inevitable Evil that muſt light on all at once. And if this be the Conſequence of all the Actings of every one of theſe Parties at preſent; if in the ſeeking of their own Ends they are likely not ſo much to prevail either of them over another, as to reduce us

into this State, this irrecoverable Conſumption and Debility, with all the Conſequences proved; then it will be found that in the Methods now taken, they act conſtantly againſt, but for no Intereſt that can be call'd their own.

All Men naturally follow their Good; and it might be well objected that it were only a Notion, and in effect impoſſible, that Men ſhould act thus, as I ſay, were it not thro Ignorance; ſuch as is indeed in our Caſe, *the want of a ſufficient Conception and real Senſe at Heart, of what is the ſole Safeguard aud Support of our Country*; the want of truly conſidering how Matters ſtand, as to that, and how amidſt all, that is likely to be effected, which muſt (as I have ſaid) affect us at laſt above every thing elſe. And ſuch a blindneſs as this it is that Men are kept in by their Paſſions, by the heat of Party, and the Animoſity of perſonal Quarrels, or ſo that by the Reſentment of ſome preſent Uneaſineſſes, Men are hinder'd from thinking on greater Evils at ſome diſtance off, and not yet abſolutely felt, tho juſt impending.

Now to charge every Party ſingly, according to what I have ſaid, and the Imputation of Inconſiſtency that I lay on them; I inſtance firſt in thoſe, as to the generality, who carry on King *James*'s Intereſt in their Endeavours, and make his Party.

The Jacobite *Intereſt conſider'd.*

Firſt, Then ſuppoſe that 'twere a Service to his Intereſt to have us weak at Sea, ſunk in our Trade, in loſs of Seamen, Ships, Builders, and all Materials and Artsmen belonging; what would it avail to his Friends (if *Engliſhmen*, and to no others do I ſpeak) to have him here fix'd in his Government, nay fix'd even with every one's Conſent here at home, if ſuddenly we found our ſelves thus low? How ſhould we e're regain this Loſs? how e're come up again with other Nations? Will they ſtand idle, ſee us take Breath, and let us riſe; or will they ſtay for us, and ſtop ſo long as till we grow again into our place above them? If not, how ſhall we avoid the Conſequences above ſet down, and taken I ſuppoſe for granted, *viz.* that if we loſe the practice of the Sea, we are then revolv'd again into our old State, mere naked *Britans*, his that can take us; and (according to the natural and conſtant practice of Mankind) by their Station about us, and their then readier acceſs to us than any other place, by lying ſo fair, and ſo on all ſides open; the aſſured common Prize that every Nation fights for, when aiming above others, or when but in the ſlighteſt Quarrel?

When once the Stroke is given that brings on this Condition, when once our Naval Sinews are cut; How is it that King *James* ſhall be fix'd here? How is it that either his or any Government ſhall be ſaid to be fix'd here with us, when we our ſelves, as a People, ſhould then belong to others, or lie at Power to belong to them? which, as Mankind and States are conſtituted, is not far different, ſince Power to take, and taking, are in thoſe Caſes never far aſunder; and ſince Parties are now eaſily made within a Nation conſiderable enough to ſerve a Turn, and for any Invaders to ground upon; and that all Invaſions, tho as perfectly ſo as thoſe of *Goths* or *Vandals*, can be colour'd now with Reaſons of Religion and Juſtice, and as tho even for the very Benefit of the invaded People. For no Countries hardly now are ever conquer'd but by a Force (as *Manifeſto's* and *Declarations* ſet forth) intended for their Relief and juſt Eſtabliſhment: And the Name of *Conqueſt*, that comes to be eſtabliſh'd after full Succeſs, is found to have been preceded by, and owe its Production to the very Names, however diſſonant, of Aſſiſtance or Deliverance.

In ſhort, if once we are exhauſted in a War, *ſo as that our navigating Art, and all the Means of it, be ſhared amongſt Foreigners, and the Current of our Trade drawn into other Channels*; which by no Art can be retrieved, nor any Change of Fortune, but by a Turn that may give us the Advantage that we gave, and when all elſe are fighting, give us Peace; an Accident the hardlieſt to be imagin'd, ſince when once weak, we are above all others the ſureſt to feel every Diſpute, and often like to be the chiefeſt Subject. If this come ever to be our Condition, as it is endeavour'd to be now made, let any Nation whatſoever give us, or return us a King; if this be the Terms of ſuch a Gift (whatever other Terms be made) if this be that that is to bring it about, any *Engliſhman* will have but a ſorry Bargain, and ſuch a King will be of little worth to us, or we to him. Grant that the Nation we receive him from be not, in the end, upon the account of the lowneſs we ſhall be reduc'd to, left Maſters at Sea of all the World; and grant that they were not near ſo by Land either; Yet of what benefit will this be to us? If any benefit, it will be this, That that way 'twill not be determin'd whoſe we ſhall be, the other way it will: the one

way

way we are a Province, and muſt ſerve immediately; the other way we remain to be foughtfor, and the Diſpute muſt be in our own Land, perhaps by more than two at once.

If this be right, then not only they who ſerve this Court in the preſent Way, ſerve *England* ill, but they too who ſerve King *James* in ſuch a way as is ſure to ſink us; ſet any other Neighbours over us in Navigation, and do our work as to that buſineſs: They, in effect, I ſay, do nothing for themſelves as *Engliſh* Men, nothing for King *James* as an *Engliſh* King. *Jacobites act not as* Engliſh *Men.*

But then that theſe ſort are doubly miſtaken, appears by this: For that it is not the likelieſt way to introduce King *James* (unleſs for *England* to be abſolutely conquer'd by another Nation, be the eaſieſt way; and ſuch a Throne, ſo gain'd to him, be thought moſt valuable, and moſt a Throne) Becauſe that if, by the Nation's Choice, he would come in, it can be only when they find an Evil in this Government greater than they felt in that they chang'd from, or that they think they would feel by his return; and then only, when the dread of that Power, that now ſupports him, hangs leſs upon them, and that they can be freed from their Jealouſy of the King of *France*'s governing by King *James*. Now, whilſt we are loſing every day at Sea; while the King of *France*'s Fleets, and Privateers grow, and the Terror of this ſpreads; there can be nothing left to give a more abſolute Horror of King *James* than this, and when an Invaſion comes, to drive the body of the People from an Eaſineſs and Unconcernedneſs (which otherwiſe they would be in towards any ſuch Revolution carrying on) into a very deſperation; which will produce the uttermoſt Reſiſtance, when it may be expected they ſhould be forc'd to yield.

The Hint that I have given may ſhew, I think, how much the common *Jacobites* are beſides their Intereſt, and how well they know to wiſh as well for their King's particular Intereſt, as for the general Intereſt of their Country; and what mighty Service they do King *James*, and Diſſervice to King *William*, by their common way of talking about the Force of *France* at Sea, and their Endeavours to give ſtill greater Grounds for ſuch Terror.

But to come now to the Behaviour of the other two Parties that are ſhut up within that of King *William*'s.

Every body knows there are two ſorts of Men; in each of which, there are ſuch as are engag'd to King *William*'s Intereſt, as abſolutely and without reſerve, as he has requir'd of them, or can require of them, in any proſtitute Senſe: and yet theſe two are perpetually oppoſing one another, and make two Sides, which are commonly diſtinguiſh'd by the Names of Whig and Tory. According to the too good Succeſs that the Courtier has had; we ſee that, notwithſtanding any Intereſt that the Patriots (as many as there are) can make; and notwithſtanding that Odium which ſo many of the Court-Followers have incur'd, yet there is ſtill this Fatality, that thoſe continue mainly prevalent in each; thoſe move the Herd of both theſe Parties; thoſe have, in effect, the ſway, that are with all that Latitude I have ſaid, engag'd in the Intereſt of this Court: For whoever calls this Court in queſtion; whoever doubts its good Intention to *Engliſh* Men, to *Engliſh* Liberties and Government; whoever quotes paſt Declarations, or inſtances a preſent Grievance; nay, or that in Diſcourſe is but luke-warm towards the State; a way is found (and it ſeldom fails) to make that Man ill thought of by the Herd, ſuſpected by the Vulgar of his Party, and ſhun'd as a Deſerter: For with one Party he is inſur'd a Commonwealth's Man, and with the other, a plain *Jacobite*. For what elſe ſhould he be, that acts againſt this Government? Thus with one ſhort Queſtion, and that equivocal Term of Government, as it is put there, the Courtier does his Buſineſs. *Williamites of two ſorts.* *Whigs and Tories.*

This ſhews what is underſtood here by Whig and Tory, meaning as the Court is prevalent over both thoſe Parties. And as thus, let us conſider how they act; whether as likely to obtain their common End in the ſupport of this Government, in the manner 'tis ſuffer'd to be carry'd on by them; or whether, when that's done, as likely to obtain either of them their ſeparate End (in proſpect of which they ſo aſſiſt, and court this Government) and as likely to carry their expected Advantage over their oppoſite Party.

The Tories have it for their End to ſee the Church eſtabliſh'd in as high Power as ever; to ſee it freed from the Eye-ſore of Diſſenters and Fanaticks; to remove the ill Precedent of *Scotland*; to ſet up Epiſcopacy in ſuch ſtrength as is requir'd by the Clergy-men themſelves, to put them out of fear of every thing; and to have a *The end of the Tory Party in their deſigns.*

King governing with as large a Prerogative as may be; but ſtill by the means, and under the Tuition of ſuch a Church. The Whigs dread ſuch a Power in the Church, and are ſo diſſatisfy'd with what it has of that kind already, fearing what may come, that they expect a greater Security than is given them at preſent, that thoſe who are Diſſenters from, or under the Mark of the Church for being ill Friends to it, may never ſee it in a Condition to take its Revenge, or give them any Diſturbance. Theſe Men exclaim generally againſt all Arbitrary Power, but more eſpecially that which the Church would introduce, and that their Enemies would moſt profit by.

Neither of theſe two Parties, towards the Satisfaction they deſire, go now about the making of any new Laws, or attempt any Alteration in the preſent Settlement: But their Labour is, the gaining of the King, and the getting thoſe of their Fraternity (whatever otherwiſe they be) into the Government. This is the only Means by which they, at this time, think to ſerve their Intereſt. This is the only Pledg they now ask for the Succeſs of their reſpective Parties: Each promiſing to themſelves that within a little time, or whenever his Majeſty has made an end of his Enemies, He will declare for them, and for the future employ only the Men of their Stamp. Now, tho all this while, according to the Methods kept up between theſe two Parties, the Government were like to ſtand, yet it is ridiculous and fooliſh what either of theſe Men expect.

We may, I think, be ſatisfy'd that (whatever we may expect from any other) this Court is not likely to be at a ſtand, and reſt contented with the allotted Revenue and Prerogative; much leſs to agree to a Diminution of either: tho there be a conſiderable Party in *England* that think, and will ſtill think (which will coſt the Court ſome Oppoſition) that the Prerogative is at a height in ſome Points very prejudicial to *England*, and likely to overturn the antient Government of it, one time or other; eſpecially, ſince the Nobility is now ſo ſunk from what it formerly ever was. It muſt therefore be ſuppos'd, that when this general Victory is obtain'd, and King *William* is eſtabliſh'd, either he will be immediately abſolute, and have it in his Power to act as he fancies, or he will be as he now is, under the Reſtraint of Laws, and Parliaments to be ſtruggl'd with. If it be the firſt; What is it that will move his Fancy towards the Church-Men, when under no Obligation, to reverſe all the *Scotiſh* Affairs; act contrary to the Principle of *Holland*, and all his Proteſtant Calviniſt Acquaintance and Relations abroad, and exaſperate ſo great a Body as the Diſſenters and Whigs here? The Church-Men muſt be wonderfully conceited, and have a ſtrange good Opinion of themſelves, or a very wrong one of the King's Principle and Conſcience, to think he would be thus ſerviceable to them out of Affection merely. On the other ſide; If the Court be not (by being fully abſolute) freed from theſe Reſtraints, but be to work its way thro, and that the Prerogative be in a craving State, and wants to gain upon the People, What can more ſatisfy it than the preſent Conſtruction of Whig and Tory in Parliament? Is there any thing that the Court cannot carry? Whereas, if one Party were declar'd for, it would not be ſo. As to the Whigs, the thing is the ſame. This Ballance that the Court has got is too uſeful, and ſhall never be departed from (ſo as that the Whigs ſhall be a jot more advanc'd) whilſt the Court muſt uſe a Parliament: and if that time once come to be over, tho it is not to be thought that the Court will ever act for the zealous Church-men according to their Expectations, as above mention'd; yet on the other ſide, to think that then any thing will be done more for the Whigs, for the Advancement of their Perſons, or in favour of their Principles, is what the leaſt of all can be imagin'd, and is the moſt abſurd.

Neither Party ſerve well.

Wrong Notions of the Church-men.

Thus, as a Party, not either of them are likely to obtain their Ends: but their Contention to be ſtill improv'd againſt themſelves, and they made Acceſſaries in their own private Loſs; as ſubject to all the Inconveniences of ſuch a conſtant Feud, without prevailing any thing by it: And, as *Engliſh* Men, inſtead of profiting themſelves, they are only like to be made Acceſſaries alſo in the general Publick Loſs, which we ſhall ſuffer as a free People, by loſing all our Privileges; and as a People, by falling at length under Foreign Subjection, and all the Miſeries that make even that State worſe to us than other Countries.

Neither Party as ſuch obtain their End.

But to know this laſt; Why this Government cannot ſtand upon its preſent Baſis (which it is ſo unlikely to change) nor the Methods ſucceed that the Parties take to ſupport us by this Court againſt our Enemies; why even this is truly impracticable, ſo as that they will prove in the very utmoſt diſappointed: We muſt conſider what it is that the Court does, and intends to do; and what means the Parties

approve

approve or admit of in the Court, to carry on this War, in order to ſubdue the Enemy, obtain the Peace requir'd, and ſettle *Europe*, ſo as that we, with the other States of *Europe*, may not fear one common Enemy; nor we, ſingly here, an Enemy either ſecret or open, that may undermine or ruin us alone.

The purpoſe of this Government.

The purpoſe of this Government, the Conditions on which it roſe, and the Ends for which it was erected, are known to be; For the reſcuing us from a Power in the Crown, advanc'd by evil Miniſters and corrupt Judges, to be ſuperiour to all our Laws; To ſecure us from ſuch an Inſatiableneſs of Prerogative as would ſwallow Liberty and Property, and take away the Privileges of the Subject; To free us even from ſuch a Diſpoſition of a Court as could not but tend to this Effect, and from ſuch a Miniſtry as nothing elſe could be expected under, at any time: And laſtly, to remove that under which all Laws and Conſtitutions can make but a ridiculous Safety for us; to remove, I ſay, a ſtanding Army. This being ſo; I ſay it is impoſſible to think how this Government can ſtand, if theſe Ends are not anſwered; except it fix it ſelf here by abſolute Conqueſt; which cannot be but with a Foreign Help: and that reduces the thing to this; That we muſt be a Province to that Prince or State that is in the greateſt Power abroad; however we may pleaſe our ſelves with calling this our own Government, or our King that then ſhall govern us.

I ſay, tho this Government could free it ſelf from the Enemy it is now engag'd with; yet, not anſwering its Ends, as above-mention'd; but directly on the contrary, purſuing thoſe others it was ſet up in oppoſition to, and ſo (as I may call it) ſubverting its own Foundation, it cannot ſtand: For if the Foreign Force and Power of a dreaded Neighbour be no longer on foot, ſo as to fright Men (as at preſent) into the ſupport of this Government at any rate or proſpect; nor that a Foreign Force, in the hands of theſe Governors, overpower and conquer us; 'Tis not to be thought, that the Spirit and Principle that brought in this Government, thro all the Impediments of a then ſo heighten'd Prerogative, and of Paſſive-Obedience Principles, that are ſo much level'd ſince that time; 'Tis ſcarce to be imagin'd, I ſay, that that Spirit of Impatience againſt a Government, ſetting up the enſlaving Attempts and Miniſters, ſhould be ſo ſunk, againſt that comes (when it has had, all this while, ſuch Means of growing) as that it could not make its way towards a new Change, and act another Revolution; when the ſame Need, with an additional Reſentment and Shame for having been abus'd, together with a readier Means, and the way ſo much facilitated by the foregoing Precedent, invites them to it. Or, if by themſelves the Party for Liberty and the diſcontented would not be able; yet whilſt there was any of the excluded Branch remaining, they would by that means make an Effort which would perpetually ſhake, if not quickly overturn this Government.

But that we may prove, how that but to get thro their preſent Enemies, and reduce the Power of *France*, is a work but vainly expected from this Government in the Poſture that Affairs are in; let us conſider how this War is manag'd; how our Adminiſtration ſtands in reſpect of it; and whether, at our rate, we can ſo much as continue a defenſive War.

Let us compute what are the Expences of the Nation in this War; what are the Loſſes and Charges we ſuffer by it; and what are the Reparations we make our ſelves, by the Prejudice drawn from thence to the Enemy.

Loſs we have ſuſtain'd.

Our Loſſes are, the exhauſting of the Wealth, the Stock of the Nation, in the vaſt Sums drawn out from thence, for the Uſe of Foreign Countries, and the numerous Troops paid in thoſe Countries: And at the ſame time that our Suſtinence goes out, it is hindred from coming in to us; we loſing every day in Trade, the Profit of that ſtill cut from us; and that of it which remains amongſt us, turning in a manner againſt us; it being the Importation of Foreign Commodities that now chiefly drives it; and our own Part begun to be manag'd by Foreigners: by which means, we abandon to others what we are every day loſing in the Navigating Practice, and the breed of Sailors and other Arts-men belonging, that ſhould be raiſing among us here. And this muſt needs be ſo, ſince the *French*, to all effects, in Prejudice of us, remain in reality the Maſters of the Sea, notwithſtanding that Advantage which another Providence than that of Men, gave us over them: A Providence which turn'd that into a Victory on our ſide, which (according to the ſureſt Conſequences of humane Affairs, by the whole Diſpoſition of Matters, and the Grounds, and Form of that Enterprize on foot) ſhould have prov'd the Interception and Ruin of a great part of our Fleet, and the Execution of a Deſcent

which then ſurely would have made it ſelf been felt. Now, if with ſuch an Aſſiſtance of Fortune, ſo far from being ever to be hop'd again, we are not able to maintain the Sea for *Engliſh* Ships to ſtir without being taken; that *French* Squadrons ſtill, Monſieur *Du-Bart*, and all the other numerous Privateers, with Veſſels ſome of 50 Guns and upwards, lie in our Channel, from off *Ireland*, and round our Coaſt, do what they pleaſe, take us whole Fleets of Merchant-men together, ſupply their King largely with what they take of ours, make Fortunes for themſelves conſiderable, and inrich the Sea-Port Towns of their Country, that flouriſh now, and grow prodigiouſly with our Spoils: If this, by our management, be now ſo, and not prevented; If it be thus now, this very Seaſon, after what has happen'd for us, how will it be henceforward? How are we like to put a ſtop to this? And if we do not put a ſtop to what already is of this kind (tho it ſhould grow no more upon us) where muſt we be within a little time?

Here then we ſee our Loſſes, and where our Waſting is. And as to what Reparations it may be expected we ſhould make our ſelves; we are ſo far from aiming at the Ruin of our Enemy, or the offending of him in this way, that we are not ſo much as in any proſpect of being in a Condition of preventing that Ruin which comes in upon our ſelves this Way; tho it be properly our chief and only Ruin that comes thus.

Ways of repairing our Loſſes.

If this Way then we do no good; How, in what manner is it, that, in bearing all this, and by what we pay ſo deeply for, we are to make even with our Enemy, and more than ſo? How is he to be made come off at length the greateſt Sufferer, in order to oblige him to yield? Where, if not here, are we to make the Impreſſion upon him that muſt give him the worſt in the War?

There are none except thoſe who dream of a Deſcent (which tho but for the ſame Reaſons that made it laſt Year unſucceſsful, cannot be expected but to prove ſo this next, and is likely to prove more fatal to us, if ſo) there are none, I ſay, except thoſe that under ſuch Councils, ſuch Miniſters intruſted, and ſuch an Adminiſtration as ours, do flatter themſelves that a Deſcent ſhall be able to be made and be ſupported, ſo as to turn to the Enemy's Ruin and not our own; there are none beſides this ſort of Men, that go about confidently to give any hopes of Matters to be done by making an Impreſſion any where on *France* with our Land-Armies. Which notwithſtanding, let us examine, ſince it is what we rely on. For being not in a way ſo much as to preſerve our ſelves at Sea; much leſs are we in the Deſign of ruining our Enemy that way, deſtroying his Trade, and cutting off his Supply of Riches by which he bears up in the War: altho indeed, thoſe very Riches come only into him by his Shipping, and the Exportations that way of his Country's Products; the Mony that he gets for them in a Land Trade, with any Country joining to him, being in compariſon very inconſiderable, and much over-ballanc'd by the Charge he is at, in thoſe Countries, for many Neceſſities of his own (eſpecially in War) and by the vaſt Sums of mony continually diſtributed there in Penſions; as by conſidering only *Switzerland*, will plainly appear. But we, I ſay, do not apply our ſelves this way towards the Reduction of *France*. *To ruin him in his* Weſt-India *Trade, and cut him off his Sea-Men*; *To ſhut up his Commerce Northwards, thro our own Seas*; *To ſpoil him* (as might be) *ſome of his chief Harbours and Sea-Port Towns*; *deſtroy the reſt of his Ships of Force, and ruin his Trading even in the* Mediterranean: This is what we either think not of at all, or think is inſignificant, or not ſo noble (nor ſo ſaving, or of diſpatch, it may be) as the Campaining Method at Land; or as being leſs ſutable to the Genius of our Prince, ſo alſo leſs ſutable to that of our Nation: Which, beſides, will be rais'd to high Eſteem and Power, and have its Liberties beſt guarded by the Eſtabliſhment of a Noble Army of its own, thus train'd up; by that time they, join'd with the Foreigners, Dependents on our King, have made us victorious over the Enemy, and brought on for us our ſo wiſh'd-for Peace, which then their Intereſt will endure.

The Sea therefore we leave as it is; and our Work being not to be done, or not convenient to our preſent Court it ſhould be done that way, our dependence is upon another. Now to know how this other is like to ſucceed with us; let us conſider in what Places of *France* it is that we may expect to make the Impreſſion at Land.

How Invaſions are to be made on France by Land.

The hopes of *Savoy* are over. The ill Succeſs which that attempt had at a time ſo advantageous, leaves indeed little to hope for any future time, after that this Baffle has given the *French* ſo great Security, cut off our Expectation from an aſſiſtance of Proteſtants there, and given the occaſion to the *French* to put themſelves in another poſture on that ſide, ſtrengthen their Frontier, and ſecure thoſe Paſſages; and to do

do at leaſt ſo much for themſelves there; altho it were not likely that they ſhould be found to carry in a War this Summer into *Piedmont*, that ſhall oblige that Prince to make his Terms.

It is not on the *Rhine* ſurely, that we expect our Enemy ſhould be Sufferer; when inſtead of being put to uſe the Strength he has provided for his Defence there, he can every Year raiſe Contributions on that ſide ſufficient to maintain the Armies he imploys there; and take, with Countries, whole Regiments at a time, ſo as the Duke of *Wirtemberg* and his Troops were taken lately, without ſo much as fighting, and about 3000 of the beſt *German* Horſe taken.

We do not expect, I ſuppoſe, that an Army from *Spain* will enter *France*, or that that Nation is in a Condition to make an offenſive War againſt *France*. So that the ſtreſs of all lies now in *Flanders*. And do we expect to ſee ever any better Armies there, more numerous, more united, or more animated than they have been theſe laſt Campagns? The Confederacy may ſoon be leſſer; But what can make it greater?

Are we to find any other Generals of that Confederacy than what we have? Or will theſe come to be abler, and out-grow the *French* ones at length by Experience? If it be an Abſurdity to think thus; is it not a great one to think we ſhall have other Succeſs than what we have had? And what has that been? At *Flerus* we receive a Rout, where we loſe a good part of an Army. Another Year, if we are not beat in the Campagn time, we are charg'd in the Rear, and a Mark given us at going off. *Mons* is taken one Year, and *Namur* the next; (with what Attendance is notorious.) So that if our ſtrongeſt Towns, we ſee, go off before our ſtrongeſt Armies; what are we to expect will be the Fate of the other Towns that are as yet remaining with us, and are the laſt that keep the Barrier? They too, if not immediately, muſt in a Campagn or too more, go the ſame way of courſe: tho at the cloſing of our Campagns (which cannot keep us up but a defenſive War) we endeavor to take a kind of Revenge, by attacking the *French* with as much Advantage and Succeſs as we did now lately at *Steinkirk*. But can we think, notwithſtanding this, that by recruiting our waſted Troops, and by raiſing other new ones, proportionable to what *France* raiſes, we ſhall prevent all this; and not only ſo, but after having retaken *Namur* and *Mons*, with what elſe we have loſt, be able to pierce into *France* through treble Ranks of Gariſons, by taking of them one by one, or all at once, or leaving them behind, and marching through them? Surely Men of thought will ſtick at this.

But notwithſtanding all this; the Engagers with the Court, carrying a Majority in this Parliament with them, are giving the Government this ineffectual Aſſiſtance, and are drawing from us vaſt Sums to ſupply Confederate Armies, and Armies of our own abroad: As if this were really to do us good, would avail any thing, and were our proper Method of ſecuring our ſelves; whilſt our Sea-Practice (whence ſhould be drawn the *French's* Ruin, but whence our own is now) lies in the ſhamefulleſt Condition that can be. What ſignifies it, that we have a number of huge Ships to ſail about together a Month or two in the Summer; if ſtill the *French* keep all they have in the *Weſt-Indies*, and the Means that they have there (if not taken from them) of breeding Sea-men, above all the World beſides; if here, in our Seas, they breed vaſt Numbers, and ſet out numerous and mighty Ships out of the ſpoil of us and our Ships; if Trading be not ſafe for us; our Seas being to us ſhut up, and *Sweeds*, *Danes*, *Portugees*, and other Nations to whom the Sea is free, growing into Trade, and carrying all Supplies (which thus we cannot hinder) into *France*?

France not weaken'd in the Weſt-Indies.

'Tis plain, that if we cannot alter this, we certainly muſt ſink. 'Tis againſt this, that we ſhould turn all our Power, our Riches; which would not then be doubly loſt in being given amongſt Foreigners, from *England*, never to return thither; and being given beſides, in vain. 'Tis towards this we ſhould turn all our Care and Counſels; and therefore, if the good *Genius* of *England* has not Power enough, by Patriots within it, to alter this Adminiſtration, all is in vain, and we muſt fall.

Naval Power to be encreaſed.

That in this reſpect, we do now every thing ſo improperly, every thing ſo waſtfully that we pretend to do; and that there is ſo little a Part aimed at or intended, of what might farther be done by us than is attempted under the preſent Management; there is indeed no wonder. When of all Parts of our Government, there is not any more looſe, more inconſiſtent, more corrupt, than that Part which regards our Sea-Affair. We have no Council, no Committee for Trade eſtabliſh'd, nothing

No Committee or Council of Trade.

nothing of any Office inſtituted, or Officers properly qualify'd and empower'd to inſpect our Trade, to report the Condition of it, and propoſe the Regulations neceſſary, to our Parliament; inſomuch, that that Aſſembly is forc'd, upon Occaſions, to have recourſe to the Merchants themſelves, to be inſtructed, and are often at a loſs, and (as in the *Eaſt-India* Buſineſs) in a likelihood of ruining Trade, by having their only Information in thoſe nice Matters from ſuch as are ſurely intereſted one way or other. Our Offices of Admiralty and the like, are diſpos'd of in Gifts to Men of Intrigue: and (as the World has now ſufficiently remark'd) he that by his Skill can work a Party, delay or bring on a Buſineſs in the Parliament, and has the Houſe-Craft, is recommended to the ſteering of a Fleet, and the ordering of our Naval Force. All is of a peice; and throughout all the Places, any way relating to this great Truſt, down to the very inferior Officers in ſingle Ships, Bribery and Cabal does every thing.

Miſcarriages in the Admiralty to be redreſſed.

If this go on, as has been ſhewn, *England* ſinks, whoever riſes: We are expos'd to the laſt Miſery, and a Foundation at this rate is laying for ſuch a State as was before repreſented. And now, at this preſent time, if the Houſe of Commons carry not what they have begun upon the Admiralty, to a real thorow Reformation in all thoſe Affairs, however the others are ſuffer'd to lie; if our Force at Sea, and the natural Strength that way, which we have yet left amongſt us, be not by their ordering otherwiſe exerted; otherguess Encouragements ſet up for Sea-men; the Sea-Souldiering, the very Vocation it ſelf, by a better uſage of thoſe that follow it, made more advantageous than as it now ſtands, that it may draw in more than any other, and not be, as it is, the moſt juſtly declinable, and ready to be abandon'd by thoſe that are already in; if there be not an other-gueſs rewarding of thoſe that ſerve well; the proper Methods ſet up to clear us of the *French* Cruiſers, and their Privateers; fit Ships, with right Regulation, apply'd to that Work; the dealing with them not left (ſo as it now is) as an ungrateful Work only, but the reducing of them made (by Rewards fitted to ſuch Service, as well for Privateers and Adventurers of our own, as for the Ships of the publick) an Employment moſt advantageous, and which may be heartily undertaken by thoſe that ſo expoſe themſelves: in ſhort, what-ever ill Performance, Unskilfulneſs and Corruption be ſuffer'd in any other Part of our Government; however Matters may go in *Weſtminſter-Hall*; however the Chancery be fill'd, or any Offices in the Nation that are to do Right amongſt Particulars of that Body; however any other part of the Miniſtry ſtand, according to whatſoever Party: If our Parliament do not now right our Country in this Concern; do not redreſs and aſſure this part of our Adminiſtration, in Hands they can intruſt, and ſhall have Power over to make Faithful; and by their own Management (for it will be by no other) ſave thus what we are loſing not only to the *French*, but to all other Foreigners that uſe the Sea; If they do not thus much, and ſuddenly ſet us in another Courſe to regain what's paſt, and do our utmoſt here; However great theſe Armies and Confederacies ſound, that fill ſo many Heads at preſent; whatever Pomp and Grandeur in this Government hinders them from dreaming any Inſecurity in it; I fear they will not long be Poſſeſſors of the Power that accompanies them now in their Seats at *Weſtminſter*, nor be the Maſters long of thoſe Eſtates that give them now the places they have there. Their giving Millions ſo liberally, will but haſten the Buſineſs: tho many give their Concurrence to this moſt unprovident way of giving, and to the Methods proportionable, of raiſing what is thus given; not as unſenſible of Miſmanagement, but out of mere Fear of being over-run. But it is ordinary to ſee Men in their Fears run more directly upon their Ruin; when terrify'd they ſtrive moſt earneſtly to avoid it. Yet if they would act rationally, according to what they fear, why is not the Fleet firſt ſecured? why is not that Mony firſt found out, ſecured on the beſt Funds, and well appropriated, that the Mony really given to that may not leaſt ſerve that purpoſe; that it may not run a common risk with the other Mony expected to be raiſed; nor the neceſſary Charge of our Navy run the ſame danger of being unſupplied, as any of thoſe exorbitant and unneceſſary Charges we are to be at beſides? What if there be found Stops and Difficulties; If the Mony fails for theſe latter Expences, muſt it fail too for our great and perhaps only neceſſary Expence, that of our Ships and Seamen?

Great hopes from the Parliament.

Nation in a ruinous State by Parties.

Whatever be, this muſt be look'd to. And (to join all to what I have ſhown before) he that is an *Engliſhman* in any Party, and forgets this, knows not that he is drawing on his own and Country's Ruin, in the Proſpect of eſtabliſhing his Country by means of that Party, or together with that Party's Intereſt which he fol-

follows: for tho a Peace ſhould be concluded at laſt, according to the Scope of King *James*'s Party, by which that King ſhould be made to be acknowledg'd; or tho the Adherents to King *William* that are ſupporting him his way, ſhould ſee him prevailing with his Land-Forces, and *France* reduc'd to ſuch a Peace as ſhould cauſe the Acknowledgment of King *William* here; yet at the end of all this, if by that time the Work that is now doing apace be brought to its effect, and we left Inferiors at Sea, cheated and beaten out of our Trade, and periſh'd in our Naval Power, with nothing but a Power at Land to defend us: All the Advantage that the Party of *Engliſhmen* then prevailing will obtain, beſides their Triumph, or their Revenge over their Adverſaries, will be to hold a Government under the Force of a Foreigner, and which can be held no otherwiſe; and to give us ever after for a Government, that which ſhall be enforc'd by the Nation or Prince left with the ſtrongeſt Force abroad, together with the Honour of being thenceforward conſtantly the Teſt of Power and Precedency to the contending States of *Europe*, by falling always to their Lot who can force others hence and place themſelves.

Exhortation to all true Engliſhmen.

Now if there be any *Engliſhman* in theſe Parties that will thorowly think, I appeal to him, if what we do altogether in Parliament, or what each Party drives at ſingly, is like to bring any happineſs to one whoſe Country is *England*. If the removing one Miniſtry for another; the getting Men, or keeping Men in place for only Party-merits; the driving in the common manner, for the Intereſt of this Court or that, for the Court now undermoſt, by endeavouring to embroil our Sea Affairs, bring us loſs of Trade and ruin of Shipping, that by ſuch Miſery the People may (as thoſe think) be induc'd to abandon this Government: And for the Intereſt of the preſent Court, by complying with any ſort of Methods it takes, however cenſur'd at other times; by advancing Prerogative at a time which is the only ever to be hop'd for to bring it down from its Encroachments, and to confirm the Rights of the People, which are hardly ſupportable under the Weight yet left in ſome Fundamental Points: by gaining Acts for multiplying of Treaſons, inſtead of ſecuring us from the Power that the Crown now has of making Treaſon too eaſily out of any thing: by the juſtifying of any Commitments as well as Trials; the ſetting on foot (to a vexatious End and no other) needleſs ſevere Oaths, ſo extenſive and generally to be enforc'd, for the puniſhment only of mens Conſciences, or the taking away of all Conſcience, ſo as to loſe the benefit of all Oaths in any Caſe; a thing ſo deſtructive to all Government, and (to our great Miſery) begun already to be felt amongſt us, and encreaſing daily by the commonneſs that Oaths are expos'd to in ſerving every turn. In fine, by giving away all our Wealth to the Managers of the Court in prodigious Sums; ſuch as, if poſſible, would ſuffice their Greedineſs, and ſurmount their Laviſhment; whilſt ſtill the Matters of our Ocean (that Ocean that ſhould be ours) ſtand as they do: I appeal, as I have ſaid, to any rational Men of my Country, that can lay aſide Paſſion whilſt he thinks, whether this tends to any thing but Ruin.

What after this may be expected ſhould be ſaid on what now ſhould be done, I leave to Inference; for I have ſaid enough already, and need not repeat.

I have ſaid what it is that ſhould be previous to every Regard an *Engliſhman* can have; what it is that only can make the Succeſs of any *Engliſh* Party, a Succeſs of their own, or advantageous to them, their Friends or their Poſterity: And when ſuch a regard as this is in a contrary-wiſe chang'd, or but neglected; what ſort of Service thoſe whoſe Intereſt is tied to *England*, is like to do themſelves with their mighty Heat and Zeal in other Matters that they are purſuing. And in all this, if I ſhall not have been able to turn Men towards any publick Action, or better method of managing that may tend to our Recovery; yet, at leaſt, I may have given them ſo far to think on certain things, as may turn perhaps ſome from that Heat and Fury they act with (of themſelves, or led by other People) in the ſervice of ſome Intereſts, which when they underſtand, they will not think of ſerving as they do.

An Impartial Inquiry into the Cauſes of the preſent Fears and Dangers of the Government.

Printed in 1692.

Being a Diſcourſe between a Lord Lieutenant, and one of his Deputies, ſummon'd to hold a Lieutenancy for raiſing the Militia.

Deputy Lieutenant;

MY Lord, I am glad 'tis my good Fortune to be the firſt that attends your Lordſhip upon your Summons, and I hope your Lordſhip will give me leave, before your other Deputies come (in whoſe Fidelity to the Government I cannot much confide) to be inform'd by your Lordſhip of the Cauſes for putting the Country to this New Charge.

Pray, my Lord, are there any real Fears of a powerful Invaſion, as the Proclamation ſays? Are we ſo weak at Sea, after ſo many millions Expence, that our Ships cannot ſecure us from any foreign Invaſion?

Fine Pretences of the Courtiers.

We were perſwaded, that no *French* Ships durſt once look ours in the Face, and that we were to make a Deſcent into *France* with a potent Army; and the Parliament gave the utmoſt Penny that was demanded, both for Fleet and Army, according to the Computation brought them; and our Countrymen were made to hope, that our King would have been in *Paris* before *Michaelmas-day*; and nothing eaſed their Minds in paying 5 *s.* or 6 *s.* in the Pound out of their Lands this Year again, and a quarterly Poll beſide, *never before heard of in* England, for themſelves, their Wives, Children and Servants, but only their Hopes that theſe ſhould be the laſt Taxes that they ſhould ever pay, and that all the Charge hereafter ſhould be impos'd upon *France*, and the forfeited Eſtates of our Enemies.

And, my Lord, are we come to that paſs now, that both Fleet and Army cannot defend our Iſland, but that the poor People muſt again bear the Charge of raiſing the Militia, as great as any of the Taxes?

Truly, my Lord, I dare not tell you how the Countries murmur, nor what they ſay amongſt themſelves, but they talk ſtrangely of our making War abroad, if we be not ſafe at home; and they begin to ask, Why are they plagu'd with quartering Soldiers, and paying them beſides, if they muſt be put to defend themſelves?

But I muſt not tell your Lordſhip more of their Talk; I hope your Lordſhip knows that there is no great Danger, and that this Summons for raiſing the Militia will go no further. Yet I will be plain with your Lordſhip, the Country does ſay, if there be real danger, *the Government is betray'd.*

Lord Lieutenant.

Sir, at your Requeſt, I ſhall not refuſe to give you the beſt Satisfaction I can, knowing your Prudence and Fidelity to this Government, tho I ſhall only purſue my Orders to the whole Lieutenancy, to put the Country into the beſt poſture I can.

I dare tell you plainly, that there was greater danger of the ſubverſion of the whole Government than I could have imagin'd; and if it be blown over, it is to be aſcrib'd to nothing but the Divine Providence.

It is moſt certain, that there was a deep and dangerous Deſign laid, as that *Monſieur d' Eſtre* the *French* Admiral, ſhould provide at *Thoulon* in the *Straits* (out of our ſight, and free from our ſuſpicion, whereof we could not well have Intelligence) a potent Fleet, fit to convoy and tranſport a great Army into this Kingdom, and to bring that Fleet into *Breſt* before the end of *March* laſt; and the *French* King had ſupply'd the late *James* with Mony, Arms and Ammunition, and collected together 20000 *Scotch*, *Iriſh*, *Engliſh*, *French*, and *Switz*, and aſſign'd them Quarters upon the Coaſts of *Normandy* to be ready to imbarque upon the firſt arrival of the Fleet from *Thoulon*; and from thence it was deſign'd to paſs directly to *Portſmouth*, and the *Iſle of Wight*, which had not been a Work of many hours. *Deſigns of the* French *to invade* England.

And had not the good God prevented that Fleet's coming by contrary Winds for five Weeks together, they had certainly compaſs'd their Deſign, before any of the *Engliſh* or *Dutch* Fleets could have been at Sea to have made the leaſt oppoſition; and the late King *James*'s his Agents, and ſuch as are treacherous to the preſent Government, had diſpers'd the knowledg of this Deſign to their Confidents throughout *England*, and given Orders that they ſhould be in readineſs to get together in every County, upon the firſt News of the landing of the late K. *James*, to diſturb and diſtract the coming together of the Militia. *The* Jacobites *acquainted with it.*

And to that purpoſe King *James*'s Adherents, and Men of deſperate Fortunes had bought up moſt of the ſerviceable Horſes in all the Fairs of the Kingdom, and were come to ſuch a height of Confidence, as to boaſt of the Aſſurance they had of the greateſt Numbers of the Lieutenancy of moſt Countries, eſpecially the City of *London*; and of their partakers among the Officers of the Army and Fleet, and of great numbers of the Nobility, Gentry and Clergy, that would immediately declare for K. *James*. *Many of all ſorts ready to declare for K. J.*

They brag'd, with what reaſon I will not ſay, that greater Men than are fit to be nam'd had made their Peace with King *James*, and taken their Pardons, and would be ready to declare that they never ſerv'd King *William*, but according to the Statute of *Hen.* 7. as *King in poſſeſſion*, owning the Right to be in King *James*.

Sir, This Deſign being now known, appears to me to have been ſo politickly laid, that I know not what could have prevented our Ruin, if the Winds and the Seas had not fought for our Preſervation. I muſt confeſs I often wonder'd, that the Enemies of the Government were ſo buſy and ſo bold, that Juſtice ſeem'd to be aſleep, and their Enormities were conniv'd at, and many of them were admitted into Power and Truſt, and had better Credit and Acceptance with divers in Authority, than Men of the moſt approv'd Fidelity to the Government; yet before theſe Diſcoveries were made, I did not believe the Government had been ſo near a Precipice, that there wanted but a favourable Wind to ſubvert it.

Dep. Lieut. My Lord, I am afrighted to ſee the Danger we have eſcap'd. But, pray my Lord, is there no Mony allow'd for Intelligence? are there none that watch for the Safety of the Kingdom? Is it poſſible that Fleets and Armies can be provided inviſibly? I doubt the Country has too much reaſon to ſay, that *their Majeſties are betray'd.* *Counſels betray'd.*

I muſt confeſs, my Lord, I have been troubled with Murmurs and Suſpicions of that kind from underſtanding Gentlemen as often as I came from Parliament; but I always us'd the beſt skill I had to ſuppreſs ſuch Thoughts and Fears, and pray'd their Patience to expect a *fitter Seaſon for their Majeſties to ſuppreſs their Enemies and reward their Friends.*

But the great Preſſures of the Country have been ſo long continued, and their hopes of relief ſo often deluded, that if I ſhould now tell them (as your Lordſhip hath kindly told me) that they were, and are in as great danger of utter Ruin, as at the beginning of the hopeful Revolution, they would be out of all patience, and conclude poſitively, That *the Kingdom could not be in ſuch a Condition, if their Majeſties Councils and Deſigns were not betray'd.*

I profeſs, my Lord, I know not how to allay the Country's Jealouſies of ſome in too much Power with their Majeſties, nor how to perſwade them to bear this additional Burden of raiſing the Militia chearfully, unleſs I could ſhew them a ſpeedy End of their Sufferings, in the Safety of their Religion, Laws and Liberties. *Grounds for believing their Majeſties to be betray'd by ſome in the Miniſtry.*

I confeſs, my Lord, I have been and am as much troubled as any of my Neighbours can be, to ſee the Conduct of their Majeſties Affairs ever ſince their Settlement, and have often thought they were betray'd from the beginning: and if your Lordſhip will pleaſe to ſpare me a few Moments, and pardon my Free-

doom, and let it be under the Roſe, I will tell your Lordſhip why I have ſo long doubted that their Majeſties are betray'd, and I beg your Correction if I miſtake. I know your Lordſhip's Intereſt and Mine are involv'd in their Majeſties Government, and it is high time to conſult our own Safety if they be betray'd.

Lord Lieut. Sir, I am glad of this opportunity to compare Notes; pray be free, and let us inſpect the whole Adminiſtration ſince the Revolution.

Enquiries made into it.

The Commons in Parliament (you know better than I, having been a Member there) have been complaining almoſt from the beginning of ill and unfaithful Inſtruments about the King: Some they have nam'd, and others they decyphered; and you may remember they ſent to the King to know who adviſ'd him to employ ſome of the late King *James*'s Inſtruments in Truſts of great Importance; but they found no effect of all their Endeavours.

I have often ſat in the Houſe of Lords with an aking Heart, to ſee good Propoſals (for their Majeſties and the Kingdoms Security) oppos'd and rejected by pretended Favorites; I believe you have done the ſame among the Commons: therefore if you pleaſe, we will look back upon the whole Conduct, and ſee what we ought to conclude from thence.

Dep. Lieut. My Lord, You oblige me to ſpeak my whole Heart in this Affair, and I muſt confeſs my Fears of Treachery began as ſoon as I ſaw the Prince of *Orange* paſs *Salisbury* without oppoſition, and with the Proteſtants great Applauſe.

Falſe Friends.

I was afraid that thoſe who had been the Kingdom's Enemies, ſeeing themſelves unable to reſiſt the Prince, would either deſtroy him or his good Deſigns, by Flatteries and falſe Inſinuations. ——— I firſt obſerv'd an Attempt to bring him to a Treaty with the late King, and to ſtand upon equal Terms to the Judgment of the late King's Parliament, hoping to have ſham'd the Kingdom with ſuch ſpecious Conceſſions for keeping out Popery, and redreſſing Grievances, that might have ſent the Prince home again with a good Sum of Mony and fair Promiſes.

Inſtances of their Treachery.

But the Cowardice of the late King, after Commiſſions for a Treaty ſign'd, made that Attempt fruitleſs, and brought him to be at the Prince's diſpoſe.

The next Treachery was, to perſuade our now King to have preſently caus'd his Army to proclaim him King, and to have aſſumed to himſelf the Royal Office; preſuming thereby to have kindled Hatred and Revenge in the Hearts of more than thoſe, whoſe Love he had gain'd by his Declarations for reſtoring our Religion, Laws and Liberties.

Danger of the P. of O's being proclaim'd King by the Army.

His Enemies knew, that his Force bore no proportion with the ſtrength of the Kingdom, which would have had an abhorrence of him and his Foreigners, and an Indignation to have been coaks'd and cheated into ſuch a perfect Slavery by him they truſted, who had appeal'd to Heaven, that his Soul abhorred ſuch a Deſign: But the Vanity and pernicious Conſequence of theſe Counſels were ſo diſcover'd to our King, that he eſcap'd that Snare, and choſe to be adviſ'd by a *Convention of all that had been Members of late Parliaments*, who juſtly propos'd that the People ſhould have notice to chuſe their Repreſentatives to re-eſtabliſh their Government.

Their pernicious Counſels to the P. of O.

In the interim, divers of thoſe who had been the worſt of King *James*'s Inſtruments in his Deſigns againſt our Religion and Government, apply'd themſelves to our King, with the moſt ſervile Flatteries and mean Submiſſions, to gain an Eſteem with him, and admiſſion into his Councils, hoping thereby to ſerve their own Maſter's Intereſt when the Repreſentatives ſhould meet; and therefore craftily perſuaded our King from all Courſes that tended to the utter excluſion of King *James*: they inſinuated bugbear Dangers of the ſcattering and diſperſing of King *James*'s Army, and adviſ'd the gathering them into Troops and Companies that had diſperſed themſelves; and to bring our King into Debt, procur'd his Promiſes of paying their Arrears, who were raiſed by King *James* for the deſtruction of our Religion and Government.

At the ſame time they were very buſy, by falſe Inſinuations (with too much unhappy Succeſs) to prevent our King's acceptance of the repeated Offers from ſeveral Counties and Cities, to raiſe him Regiments of Volunteers at their own Charge, upon whoſe Fidelity he might have abſolutely depended.

About Ireland.

At this time alſo the ſame ſecret Adherents to K. *James*, endeavour'd to keep his Authority alive in *Ireland*, and his poſſeſſion of that Kingdom by the Lord *Tyrconnel*; they found ways to prevent the acceptance of the Lord *Tyrconnel*'s frank Offers, *preſently to reſign that Kingdom*, which, tho then conceal'd, are ſince publickly printed by Dr. *King*, in his excellent Book intituled, *The State of the Proteſtants in* Ireland *under the late K.* James.

They

They craftily perſwaded *Tyrconnel* that his Condition was deſperate, and that there was no ſafety for him but in Arms, and gain'd time for him to new model the *Iriſh* Army (which were then for the moſt part Proteſtants) and to prepare that Kingdom to be a Refuge for K. *James* and his *French*.

Their Practices in the Convention about the Regency.

In this State of Affairs the Convention met, and King *James*'s Agents and our King's now Flatterers, were very near betraying him to ſettle King *James* in his Throne, and to provide for his ſpeedy Return, under a ſhew of excluding him. They pretended to applaud and admire our King's Virtues, and to own the Kingdom infinitely oblig'd to him, and therefore propos'd to make him *REGENT* of the Kingdom, as if they would have reſign'd all things unto his Conduct; but with the ſame breath they treacherouſly inſinuated a Divine Right in King *James* to hold the Crown, and inſiſted that there could be no lawful Authorities in the Kingdom that were not deriv'd from him, which was to make their propos'd Regent King *James*'s Officer. They ſet up Conſcience for a Stale, alledging, that none could abſolve the Kingdom from their Oaths of Allegiance to King *James*; and ſought to ſubvert all the Principles of the Legal *Engliſh* Government, by defaming and blackning for *Commonwealths-men* all that durſt aſſert (as our Anceſtors have done in like Caſes) that King *James* had broken his Original Contract and Oath with the Kingdom, and renounc'd his being an *Engliſh* King bound by the Laws, when he declar'd in his Courts of Juſtice, and by his *Declaration* under the Great Seal, that he could *ſuſpend the Uſe of all our Laws at his mere Will and Pleaſure*. They maintain'd that the Right of the Crown was inſeparable from the Perſon of King *James*; ſo that all the Officers of the Kingdom muſt have ſworn Allegiance to King *James*, whilſt our King had born the Name of a *Regent*.

If they had prevail'd herein, as they were very near it, they had declar'd the Kingly Power to have been in King *James*, both by Divine and Human Right, and ſtript our King of all rightful Authority more than what King *James* had been graciouſly pleas'd to give him.

The Treachery of thoſe who propos'd a Regency.

This was the Maſter-piece of Treachery againſt our King in many that aſpir'd to places of Profit, Honour and Truſt under him as their now Maſter: And had it ſucceeded, it would certainly have brought him under the Power of their old Maſter, and themſelves into their former Capacities of purſuing their moſt pernicious deſigns againſt the Kingdom.

150 Members of the Houſe of Com. for a Regency.

Truly, my Lord, I never think without ſome horror of our eſcape from this Treachery; they had made their Party above 150 ſtrong in our Houſe, and pray, my Lord, how was it in yours?

Lord Lieut. Sir, I cannot remember how many Lords were in our Houſe, when it was put to the Queſtion, *Whether the Throne was vacant?* but my Soul was vext to ſee how near we were undoing all that had been done for the Kingdom by our King, and as I remember we carry'd it, *not by more than three Votes*, that *the Throne was vacant, and the Kingdom in a condition to ſettle a lawful Government without King* James. Yet many now in Power about our King had the confidence to enter upon Record their *Proteſtations* againſt that Vote.

Carry'd but by 3 in the H. of L. againſt a Regency.

Dep. Lieut. My Lord, I was in hopes when both Houſes had agreed that the Throne was Vacant, and the Diviſions in both were ſo well known to the whole Kingdom, that our King would have ſo diſtinguiſh'd his Friends from his Enemies, that there would have been no danger of his believing their Flatteries, nor giving them opportunities of betraying him to their old Maſter; but I quickly obſerv'd that they were ſo conſcious to themſelves of their former Guilt in ſubverting the Government, that they could hardly believe that either our King or the People could forgive them, and therefore thought it their Intereſt never to ceaſe their Treacheries againſt King *William*, as every new Occaſion offer'd. When they could not prevent the Settlement of the Crown upon our King and Queen, they ſeem'd ſo zealous therein above others, that they would have heap'd all Powers upon them confuſedly, without mention or regard to the Kingdom's Rights, or the antient Form of the *Engliſh* contracting with their Kings upon Oath.

Their flatteries after declaring the P. of O. King.

Inſinuate themſelves into the K's Favour by falſe Suggeſtions.

They boaſted themſelves to be the *only Men for Monarchy*, that always defended the Prerogatives of the Crown; they would ſcarce bear a Bill for the Peoples Rights, as if they had been ſuch Votaries to King *William*, that they were content to make him their abſolute Lord. But their treacherous Intents were evident, they ſought for Matter and Occaſion to ſuggeſt againſt him Ambition, Love of Domination, and Falſeneſs to all his Pretences made in his Declaration, that the Peoples Liberties ſhould be ſecure, that they ſhould never be in danger again to be invaded; they

they cunningly ſought to ſow the Seeds of Diviſion between the King and his People, by leaving the Powers of the Crown and the Peoples Rights undiſtinguiſh'd; intending (as their Practice ſhew'd) to raiſe new Diſputes about Prerogative, and inſinuate themſelves into the King's Favour, as the only Defenders of it, and none others fit to be truſted to ſupport the Monarchy.

Proteſtations entred by thoſe who oppos'd the Securities of the Peoples Liberties.

Lord Lieut. Sir, I perceive you carefully obſerve the Debates of your Houſe, and the Deſigns their ſecret Enemies had upon them; and you bring to my mind what I ſaw, that ſome Members of our Houſe who had enter'd *Proteſtations*, that we could not give the Crown to King *William* and Queen *Mary*, were the greateſt oppoſers of the Securities offer'd for the Peoples Liberties. But pray, Sir, go on if you find any other Treacheries.

Dep. Lieut. My Lord, I find the ſame Party of Men deceitfully offering their Services at Court, but complaining that they were diſabled by want of Indemnity for what they had done in the late Reigns, and were in continual danger of being proſecuted for their Eſtates, or Lives, by Men that would admit of no Moderation; pretending that ſome Members durſt not diſpleaſe the Houſe in arguing for the Crown as they would, whilſt ſuch ſevere Rods were over them: therefore they often preſſed and perſuaded his Majeſty to move the Houſe to haſten an *Act of Indemnity* for them.

Lord Lieut. But, Sir, was there any treacherous Intention to our King in preſſing for an Act of Indemnity? It was commonly thought and ſaid, that it was the only way to unite all People to our King, and to take off their Thoughts from returning to King *James*, and for that reaſon it was abſolutely neceſſary.

Dep. Lieut. My Lord, no good Men doubted that an Act of Indemnity was needful for quieting the Minds of thouſands that had been criminal in compliance with King *James*; but that nothing could be more pernicious to the future Peace and Security of our Government, than an abſolute general Indemnity for all our late King *James*'s Miniſters, to forgive all *Treaſons*, *Murders in Forms of Law*, *Suſpenſions of the Laws*, *Eſtabliſhments of Popiſh Courts and Convents*, *ſurrendering and betraying of Charters*, *perverſions of the whole Courſe of Juſtice*, *and profeſſedly laying Foundations for perpetual Popery and Slavery*.

Act of Indemnity how obtain'd.

For that reaſon, my Lord, the Convention took infinite pains ſo to form an *Act of Indemnity*, as might have anſwer'd all the Ends of Mercy, yet with due regard to Juſtice, and the future ſafety of our King and Government.

They agreed in their Votes, that few ſhould be excepted from Mercy as to their Lives, and as few as poſſible to their Eſtates and all other Puniſhments.

They concluded, upon many ſolemn Debates, firſt to name the ſeveral ſorts of Publick Crimes, for every of which, ſome ought to be puniſh'd for Examples ſake, as laſting Monuments of Juſtice, either as to Life, or Eſtate, or Fines, or Excluſion from Publick Truſts: but the Miniſters of the late Reign imploy'd all their Party to lengthen out, and to throw Stumbling-blocks into the Debates, and apply'd themſelves at Court to blaſt and ſcandalize the Members of the Convention, as Men that would tear all to pieces and come to no Settlement; they accuſed them of ſtudying Revenge, and ſetting up a Faction, and keeping of thoſe out who would gladly come in to our King's Intereſt.

I have often ſeen, my Lord, thoſe impudently whiſpering theſe Falſhoods in our Court, who, I knew, did in private ridicule both our King and Queen, and drink their Confuſion and Damnation; yet they ſo prevail'd, that the Convention was blam'd for Delays of ſettling the King's Revenue, levying Monies, and doing nothing; whilſt theſe ſecret Traitors obſtructed every Buſineſs, and ſtudiouſly prevented the paſſing any Acts tending towards a Settlement, that all might continue in diſtraction, whereby they hop'd to advance K. *James*'s Intereſt, and make themſelves ſeem to be neceſſary to be favour'd and imploy'd by our King.

My Lord, They were ſo crafty in this Affair, that they found ways to flatter our King with ſhews of dependence upon his Clemency, and to inſinuate to him, that they would be content with an *Act of Grace* and Pardon from him, rather than longer to ſeek for an *Act of Indemnity* ſo clog'd with Exceptions and Limitations as the Convention propos'd.

They crept into the Court, but were impatient till they were ſo indemnify'd, and admitted into Places of Power and Truſt, that they might overlook thoſe whom they had oppreſſed before, and carry on their old Deſigns in the former Reigns.

Make the King act againſt his Declaration.

It was not eaſy to diſcern the hidden Treachery to our King's Intereſt, in ſeeking a thing ſo ſeemingly harmleſs as a *General Indemnity:* But the Deſigners knew the miſchievous Conſequences of it; they underſtood that it would amount to our King's forſaking, or rather renouncing ſome of the chief declared Cauſes of his coming in Arms.

He had called God to witneſs, that he came to execute Juſtice upon thoſe evil Miniſters of the late King's who had ſubverted the Government, to introduce Popery and Slavery. They knew that it would prevent the Terror in futurity of exemplary Puniſhments upon the greateſt Traitors, which ought to have been one of the greateſt Securities of our Liberties and Lives againſt the evil Miniſters of our Princes. They foreſaw it would diſhonour both the King and Parliament, who had declar'd divers barbarous Murders to have been committed upon Perſons of Honour, and worthy defenders of our Liberties; whilſt their Murderers ſhould ſtand indemnify'd and poſſeſs'd of ſome of the greateſt Authorities in the Kingdom. They were well advis'd, that it would ſecure the worſt Inſtruments of the former Tyrannies, to be ready to continue the like Miſchiefs, and to inſinuate themſelves into our King's Councils, upon pretence of their being experienc'd in Government, and always zealous for Monarchy.

They gave the King falſe Notions of things and men.

Lord Lieut. Sir, you make it plain, that the Root of all our Evils, and the Kingdom's preſent Weakneſs and Fears, had their firſt riſe from the falſe Notions at firſt given to the King of Things and Men, and the Advices thereupon againſt his own and the Kingdom's Intereſt. But pray Sir, what other Traitorous Practices did they uſe to deceive our King by, to promote King *James*'s Intereſt againſt his own?

Obſtruct the Bill for Corporations.

Dep. Lieut. My Lord, they advis'd his Majeſty to influence ſuch Members of Parliament as he could to obſtruct the paſſing of the Bill depending for Corporations, whereby it was intended to exclude from the Magiſtracy for ſome Years all the principal Betrayers and Surrenderers of Charters without the Cities and Towns conſent, that by conſequence all the Magiſtrates might have been choſen out of thoſe honeſt *Engliſhmen* that had hazarded themſelves in oppoſing King *James*'s Practices to ſubvert our Religion, Laws and Liberties.

Falſe Suggeſtions they entertain'd him with.

Too much credit was given to their falſe Suggeſtions made to the King, that he would create a multitude of Enemies if ſuch a Bill paſſed, and keep ſuch Quarrels and Feuds as would ſet all the Cities and Towns on fire.

Now by this means moſt of the principal Criminals, and King *James* his Adherents were ſuffer'd to continue in the Offices and Truſts of all the Corporations, to be ready to chuſe Members for a ſucceeding Parliament like themſelves, and none would be believ'd that foretold the danger. The ſpecious Pretences of Moderation and uniting Parties, ſeem'd to lay the King's Cares of his own Safety aſleep.

And truly, my Lord, the ſame Party that were ſo careful to delude the King to favour the Adherents of King *James* in the Corporations, were no leſs induſtrious to inſinuate themſelves into his Service and Imployments; they were ſo proſperous in their Flatteries, that in a ſhort time *moſt of the Powers and Truſts, both Military and Civil, came into the poſſeſſion of thoſe that ought to have ſuffer'd in ſome kind as Criminals.*

The King impos'd upon by them about the Lieutenancy.

Lord Lieut. Sir, you make me think how I was impos'd upon in ſetling the Deputy-Lieutenancy of this County. I was told (by too good Authority) my Liſt would not be approv'd at Court, if I left out thoſe that had been put in by King *James*, tho they had too much ſerv'd his Intereſt. It was ſaid, that I was not to regard what they had been, and what they had done under King *James*, if they would now take Commiſſions from our King, I ought to be for healing; and I muſt confeſs, I was ſo deluded, that if there ſhould be now occaſion for our Lieutenancy, I have reaſon to fear, the far greater Part of them would be more ſtudious to promote King *James*'s Return, than to raiſe Arms againſt him.

The Lieutenancy of London chang'd to put in Complyers with King J.

I was troubl'd, that I was in a manner forc'd to have ſuch Deputy-Lieutenants, whom I knew to have been Enemies to the Revolution: But when I advis'd with ſome at Court, whether it was fit to ſeek an Alteration? they bid me ſee the Change lately made in *London*; That thoſe who moſt comply'd with King *James* to deſtroy their Liberties, and the very Being of the City, were made the major part of the Lieutenancy; and Colonels, and other Commiſſion-Officers made by the firſt Lieutenancy after the Revolution, of ſuch as had been moſt faithful to the City and their Countries Liberties, and moſt zealous for the preſent Government, were

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at once turn'd out by the new Lieutenancy. I was then hopeleſs, tho I dreaded the Conſequence of making King *James*'s Party the Guard of our Deliverer from his Oppreſſions.

Dep. Lieu. My Lord, The Miſchiefs you prudently foreſaw of putting the Powers of our Country into unfaithful Hands, are now ſeen and felt by every honeſt Man. But pray, my Lord, do you not think, that our King was as much betray'd in the Counſels given him about the Reduction of *Ireland*, when theſe ſort of Men had got in his Ear? Were not all their Advices directly to cheriſh and keep alive King *James*'s Intereſt in *Ireland*?

Treachery about Ireland.

I could never find any other Reaſon, why forty Sail of ſtout Men of War, well equipped, deliver'd up by my Lord *Dartmouth*, and forty more, which came with our King from *Holland*, were kept in Port uſeleſs, when a Part of them might, without reſiſtance, have poſſeſs'd themſelves of the Harbours of *Cork* and *Kingſale* in *Ireland*, being then neither fortify'd nor gariſon'd; and that alone had prevented all the Deſigns of King *James* and the *French* King upon that Kingdom, and ſav'd all that vaſt Expence of Blood and Treaſure, which it hath ſince coſt to reduce it, beſides the Spoil and Deſtruction by War, which hath laid a great Part of that Country waſt and deſolate.

I dread the Thoughts of the Account muſt be given of three or fourſcore thouſand Mens Blood, needleſly ſpilt in that Kingdom.

If part of the Fleet had been thus imploy'd, the reſt had been ſufficient to have cruſh'd all the firſt Preparations of the *French* for a Naval War.

The two late Kings had ſo abſolutely betray'd this Kingdom to *France*, that he had neither fortify'd *Breſt*, nor St. *Maloes*, nor *Sherborn*, nor *Havre-de-Grace*, nor any of his Harbours in our Seas, unleſs we ſhall reckon *Dunkirk* for one, which was fortify'd by us, and then baſely ſold to him.

It had been an eaſy Work in the early Spring of 1689 (if the Advices of thoſe faithful to our King had taken place) to have burnt by ſurprize the *French* Ships in all thoſe Harbours, which had ſecur'd our Merchants a free and open Trade, and put our Dominion of the Seas paſt all Diſpute.

How many hundred Sail of Trading Ships would have been preſerv'd by that means, to increaſe the Strength and Wealth of *England*, which now not only ſerve for Trophies to the *French*, but to augment the Strength and Wealth of that Monarch, and ſet up his People for Traders, and breeding Seamen, to make his Naval Force ſerve his Empire by Land?

Treacherous Adviſers about the King.

Lord Lieu. Sir, Do not wonder, that the Fleet was not made uſe of to the Purpoſes you mention, which had utterly ſurpriz'd both *French* and *Iriſh*. I can aſſure you the traitorous Adviſers, who had crept into our Court, had reſolv'd that it was moſt for King *James* his Intereſt to have a War.

His old Officers in their uſual Language of damming, ſaid, they muſt have a War, or elſe they might hang themſelves. It was thought fit by the moſt crafty to keep things in diſtraction, to make the new Government more burdenſom to the People than the old, to gain time to wear off the Reſentments of King *James* his Tyrannies, to move pity in many towards him and his pretended Son, to throw in Scruples in the Peoples Minds about the claiming a Succeſſion by divine Right, and the Lawfulneſs of depoſing a King.

Give time to the Fr. *K. to aſſiſt King* J.

They knew that the *French* muſt have time to form a Fleet, and to ſupply King *James* with Arms, Men and Mony, to diſtreſs our King in *Ireland* and *Scotland*; and you cannot but remember by the Debates in your Houſe, how delays were ſtudy'd in the Preparations againſt the *Iriſh*.

Dep. Lieu. My Lord, I can never forget the long Debates kept up in our Houſe about declaring the *Iriſh* War, the Sums to be given for that uſe, the time for which they were to be continu'd, and the Arts us'd to lengthen them, and keep off the Concluſion; which could be intended for nothing but Delays.

In the *interim*, our King was treacherouſly adviſ'd to ſend Colonel *Hamilton* to *Tyrconnel*, and to wait the Iſſue of his Negotiation; the effect whereof was his Conjunction with *Tyrconnel*, to diſarm the Proteſtants, to form an *Iriſh* Army, and declare War againſt our King.

My Lord, we found no ſmall Difficulties to croſs the treacherous Advices of Delay, and obtain from our King a Proclamation, appointing a ſhort time for the *Iriſh* to ſubmit to his Obedience, or elſe to ſtand declar'd Traitors and Rebels.

I ſaw, to my Grief, the faithful Duke *Schomberg*'s excellent Advice could not prevail, when he wiſely propos'd an immediate March of an Army for *Ireland* in the firſt of

of the Spring, to have paſs'd thro *Scotland* to *Port Patrick*, from whence they might paſs to *Ireland* in a few hours; which had ſecur'd the Kingdom of *Scotland* in their Paſſage, and had ſo ſurpriz'd the *Iriſh*, they had never been able to have form'd an Army fit to oppoſe us.

Duke of Schomberg's *Advice to paſs into* Ireland.

I obſerv'd that the firſt Officers commended to our King to ingage in that *Iriſh* War, were of thoſe that had ſerv'd King *James*; and in this firſt Trial they were put to near *London-Derry*, they ſhamefully ſhew'd either their Treachery or Cowardice, which encourag'd the Enemy to undertake the bloody Siege of that miſerable Town.

It was, my Lord, by Advice of the ſame Stamp, that a Commiſſion was obtained for Colonel *Lundy* to be Governour of *London-Derry*, and to ſend two Regiments only for the Defence of that Town, and all the Proteſtants of the *North* of *Ireland*, when all the reſt of that Kingdom was under King *James*'s Power; and the Officers ſo ſent, ſhew'd quickly they belong'd to King *James*, and reſolv'd, together with the good Governour *Lundy*, to withdraw their force, and leave the Town for King *James*'s Service, and haſten'd again for *England*.

Treachery in adviſing Col. Lundy *to be Governor of* London-Derry.

Our Houſe indeed was ſenſible of the Treachery, and examin'd the Officers themſelves and others, and mov'd for exemplary Puniſhment; eſpecially that *Lundy* ſhould be try'd for his Life.

They were in Priſon for a little while, and thoſe that advis'd the Imployment of them, took care for their Security and Liberty without the Trouble of Trials.

Care taken to keep them from Hurt.

My Lord, It was no leſs than a Wonder that theſe treacherous Dealings had not made King *James* maſter of the whole Kingdom of *Ireland*; that a confus'd Number of Proteſtants in mere Deſperation ſhould throw themſelves into a Town ſo deſerted, reſolving to ſell their Lives at the deareſt rate they could; that Men unskill'd in War ſhould neither fear Sword nor Famine, when the Strength of that whole Kingdom with the *French* Auxiliaries came againſt them. Yet the reſult of the Advices then given, was to ſend Major General *Kirk* with Proviſions, Arms and Men, to relieve that famiſhing People; but when his Fleet was ſafe in the River of *London-derry*, tho the People in great numbers ſtarv'd every day, he never attempted to relieve them, under pretence that the paſſage of the River to the Town was ſtopt by Bombs, the Caſtle fortify'd, and the whole Bank of the River ſtrengthen'd with Breaſt-works, lin'd with Muſqueteers.

The Caſe of London-Derry.

But our Houſe of Commons hearing that ſeveral thouſands were ſtarv'd in the Town for want of the Proviſions ſent, they examin'd the Matter, and found by ſufficient Witneſſes, that when Major General *Kirk* arriv'd in the River, and for ſome time after, there was no Bomb, nor any thing like it; no Caſtle with a Gun in it, nor Breaſt-work, nor Muſqueteer on either ſide the River, nor any thing that could have hindred his relieving the Town, if he had intended it. But it appear'd, that he withdrew his Fleet, and landed his Forces in an Iſland to ſecure himſelf, where he feaſted and revelled with ſome of the principal Rebels, with whom he had lately ſerv'd King *James*. In the mean time the miſerable People of the Town were left without help, until their own Courage and Conduct, with God's Aſſiſtance, forced the Enemies to raiſe the Siege.

Miſcarriage in attempting the Relief of London-Derry.

Lord Lieut. You ſo diſcover the ill Counſels from ſtep to ſtep, that I hope you kept a Journal of them. Pray did none bluſh when your Houſe was examining theſe Treacheries? Were none of the Councils chang'd, when the Houſe ſhew'd ſuch Jealouſies of the Managers of thoſe Affairs, and complain'd of the Unfaithfulneſs of the Miniſters of State?

Dep. Lieut. Truly, my Lord, K. *James*'s Party grew ſo bold, that the fouleſt Action mention'd did not want an Advocate: that Party ſtuck to their point of delaying the diſpatch of an Army for *Ireland*, and gave King *James* the whole Spring, and much of the Summer of the Year 1689. to ſtrengthen himſelf; and they apply'd themſelves chiefly to get thoſe that hated our King in their Hearts into the Offices, upon which the Succeſs and Being of the Army depended.

No Fault in the Miniſters puniſh'd or redreſs'd.

They ſhew'd themſelves in the Proviſion of Horſes for the Artillery and Carriages, the buying Stores of Biskets, Meal, Oats, and Victuals, the Preparation of Tranſport Ships and Convoys, the Orders for marching the Regiments of Horſe for that Expedition, and the Commiſſaries for the Stores for the Army's Subſiſtence.

I ſay, my Lord, in the Conduct of all this, and the Choice of the Officers for them, there appear'd ſo much Treachery, upon the Examination taken in our Houſe

Great Treachery in the Management of the Irish Expedition.

about them, that many of us were afraid the Armies would be betray'd into King *James*'s hand. Honeſt Duke *Scomberg*'s Soul was ſo fretted by his long waiting at *Cheſter*, to get together but a ſmall Body of Foot, by the Diſappointments (thro the pretended Miſtakes of Orders) of the coming of his Horſe, by the Unfitneſs of the Tranſport Ships to carry over the Artillery and Carriage-Horſes, by the Neglect of neceſſary Proviſion of Stores, and putting Wheat on Board inſtead of Bisket and Meal, by the favour of long expected Convoys, and other Supplies, that the poor Gentleman choſe to hazard himſelf without a Convoy, and his ſmall body of Foot, with few or no Troops of Horſe, and without any Carriage or Artillery-Horſe, to try his Fortune to get upon *Iriſh* Land when the Winds would ſuffer him; being willing to run the utmoſt danger of periſhing, rather than not to attempt ſome relief to the poor Proteſtants, and ſuffer the Treachery of thoſe imploy'd than hazard the Reputation of his Faithfulneſs.

Yet when the poor Gentleman (in deſpite of all their Falſhood) had landed his ſmall Army, he could not purſue the Enemy for want of thoſe Troops of Horſe, and Carriage-Horſes, and other Neceſſaries left behind. But the Treachery continu'd in detaining them, and in letting the Carriage-Horſes to hire for Plow and Cart about *Cheſter*; and that Villany enforc'd him to encamp at *Dundalk*, in the Enemies Quarters, and uſe excellent Conduct in ſaving ſo ſmall a party againſt K. *James*'s numerous Army; tho the unwholeſomneſs of the place, and the failure of the Supplies expected, occaſion'd the Death of many worthy Gentlemen, and the miſerable Sickneſs and Sufferings of many more, and the loſs of ten thouſand Proteſtants before the Spring following.

Treachery of the Officers of the Stores.

That treacherous Party had preſum'd to put the Stores, that were the Life of the Army, into the hands of ſome that were ſo notorious in King *James*'s Intereſt, that our King was convinc'd of the danger, and ſent Orders to ſeize the Stores, and ſecure their Perſons, Books and Papers: And tho the King and Parliament agreed there was too much reaſon for it, yet that Party had ſuch Intereſt and Favour to protect them, that *their Offences are cover'd to this day, and they thought worthy of Truſt.*

Lord Lieut. Sir, upon our Review of this firſt Year's Adminiſtration, it is a Wonder to me, that the King did not ſee how King *James*'s Party flatter'd and betray'd him in his Counſels and Management of his Forces; and whilſt they pretended to come into his Intereſt to ſettle him, they had weaken'd him in Reputation, Treaſure, and Force; and more unſettl'd him in *Feb.* 1689. than when he was firſt proclaim'd King in *Feb.* 1688.

The King's faithfuleſt Friends diſobliged.

Dep. Lieut. My Lord, I cannot imagine what that Party whiſper'd to our King to create in him a diſtruſt of thoſe that had been and were more faithful to him; nor how they gain'd ſuch Credit with him, that rather than part with them from his Councils, he choſe to diſguſt the principal Noblemen and Gentlemen who had hazarded their Lives and Fortunes for his Advancement to the Throne.

But it was ſo plain to our Houſe of Commons, that the firſt Counſels of the Revolution were declin'd, and all Affairs directed by the Advices of thoſe who had been Inſtruments in the late Subverſions, that there were daily Complaints of it in our Houſe; and many Members ſpoke it out, that ſuch and ſo many Miſcarriages both at Sea and Land, could proceed from nothing but Treachery. From thence aroſe Debates about Addreſſes to remove thoſe from his Councils, who had openly oppos'd the Settlement of our King, and formerly betray'd *England* to *France*, and been declar'd by the Commons in Parliament Enemies to the Laws and Liberties of *England*, and that they ought to have been remov'd from King *Charles* II's Councils and Preſence for ever.

Treacherous Counſellors addreſs'd againſt.

But protected by falſe Suggeſtions.

But that Party falſly ſuggeſted at Court, that our honeſt Members intended to reſtrain kingly Power, and ſo cried out of the Danger for the King to ſuffer his Servants and Miniſters to be torn from him by Parliament, that at laſt they perſuaded him it was his Intereſt forthwith to diſſolve that Great Convention; and to gratify their Revenge upon thoſe who had diſcover'd their Treacheries, they induc'd the King to diſſolve it ſuddenly, without thoſe Reſpects (of declaring his Intentions before hand, and adviſing to finiſh the ſeveral Bills before them) which all our Kings who are well with their People, were wont to pay to Parliaments.

The Convention Parliament diſſolved by treacherous Counſels.

Lord Lieut. Sir, I think Time hath made it manifeſt, That treacherous Counſels caus'd the King to diſſolve that Convention, and the time and manner of its Diſſolution ſurpriz'd every Man that had been active in the Revolution with a Senſe of his danger: Yet I doubt ſome of us that might have been heard, did not ſhew the

King

King ſo plainly as we ought, how he was therein betray'd, and the Ground cut from under his Feet by thoſe wicked Flatterers.

He ought to have been told, that he deſtroy'd his own Title and Claim to the Crown, by diſſolving the Convention, before they had provided (by Oath or Subſcription of a Declaration, as was propos'd, or any other way proper for a Convention of the People to ſettle a Government when the Throne is vacant) for the Peoples general Allowance of the Right and Juſtice of the now Settlement, and for a perpetual Succeſſion of Authorities to be deriv'd only from them.

Treacherous Counſellors hearken'd to.

He ſhould have been minded, that ſome of his own Council had aſſerted in the Convention, that the People could not make him King, and that there could be no legal Parliament, unleſs call'd by King *James*'s Writ, and the Members took the Oaths of Allegiance to King *James*, as the *Stat.* of 5 *Eliz.* requires.

If he believ'd thoſe his Counſellors, he had no Power to call a Parliament, nor was there any lawful Declaration that the Throne was vacant; that all King *James*'s Party were as much at liberty to maintain his Authority, as when the King landed at *Torbay*.

The pernicious Conſequences of diſſolving the Convention Parliament in the Manner and Time of doing it.

It ought to have been told him, that the Authors of thoſe Counſels to diſſolve that Convention before ſuch a Settlement, knew too well that they made him cancel all his Proclamations againſt the *Iriſh* as Rebels and Traitors to him, and all his Commiſſions given to ſuppreſs and ſubdue them as of no Authority.

They knew that by making the Legality of the Acts of the Convention doubtful, they reviv'd the Diſputes concerning the collecting and levying the Publick Revenues payable to the late Kings, and the Legality of all the Taxes impos'd for the Year 1689. which they were confident the Judges durſt not have determin'd: not to mention more Particulars, they gave a fair Occaſion for King *James* to play his Game in *Ireland*, and to have ſent out his Writs for a Parliament in *England*.

Dep. Lieut. My Lord, has not your Lordſhip forgotten to mention one part of the Cunning of the Treaſonable Advice to diſſolve the Convention? Was it not to put it into the power of the Corporation Men appointed by King *James*'s Charters, to chuſe the greateſt part of the Members of the Parliament they advis'd our King to call?

When the People choſe the Convention, thoſe that had betray'd the Liberties of the Corporations were under the dread of their own Guilt and Puniſhment, and durſt not oppoſe the Favorers of the Revolution; but they had then been ſo long ſhelter'd, and ſo many of their Leaders put into Powers and Truſts under our King, that they durſt conteſt the Validity of King *James*'s Charters, and preſum'd to ſet up ſuch for Members of Parliament, as they hop'd would keep them in the Powers of the Corporations which they had gotten.

Lord Lieut. Sir, there were ſo many Treacheries in that Advice to diſſolve the Convention at that time, that they cannot be all named. It delay'd the relief of *Ireland* for two or three Months of the Spring of the Year 1690. It loſt thoſe Mony-Bills for that Expedition which lay upon the Table almoſt finiſh'd by the Houſe of Commons.

It kept the Forces under Duke *Schomberg* in a ſtarving Condition, unable to take the Field againſt the Enemy.

It prevented the Proviſion of a ſufficient Force at Sea, and ſo retarded the ſetting out of our Fleet, as gave the *French* the boldneſs to enter our Channel, and attack us almoſt in our own Harbours, with ſuch ſucceſs againſt us and our Allies, as loſt ſome thouſands of Lives, and many a good Ship, to our Eternal diſhonour.

The French *inſult us upon that Diſſolution.*

The *French* had ſuch hopes, that by diſſolving the Convention the Power of King *James*'s Party was revived, that they braved it up and down upon our Coaſts, and took up the Harbour where our King landed, and caus'd ſuch Diſtractions in the Kingdom as coſt at leaſt a Million of Mony in drawing out the Militia.

Yet among all the miſchievous Intentions of this Advice, I take the worſt of all to have been that kind of neceſſity which their Councils and Management of Affairs put upon our King, to expoſe his Royal Perſon to the Suffering and Hazards of that *Iriſh* War, from which they wickedly hop'd he ſhould never have return'd; and we muſt all thank God for ſaving our Deliverer from periſhing by a Cannon-Ball that touch'd his Body.

Dep. Lieut. My Lord, I had never ſeen ſo clearly that our King was betray'd in every thing, if I had not been choſen of this Parliament, and obſerv'd what ſort of Men were buſy without doors in perſuading the Members, that all the Convention did ought to be Null and Void; and I heard mention made by ſome Members of confirming their Acts, and it was ſharply reply'd, that what was Void from the beginning, could never be confirm'd.

The Validity of the Convention Acts queſtion'd by thoſe evil Counſellors.

Many about the Court privately ſollicited the Members of our Houſe to avoid the mention of the Acts of the Convention, ſaying, pray leave them as you find them: but their deſign was to keep up the Notion of King *James*'s Right, and to make this Parliament as well as the Convention, to be of no Authority, knowing that it is called, and ſits only by force of the Acts of the Convention.

It was a happy Head, that in order to a Settlement of the King's Throne, contriv'd the Bill to acknowledg, that *Their Majeſties were, are, and of Right ought to be, by the Laws of this Realm, our Sovereign Liege Lord and Lady*, &c. and to enact, that all the *Acts of the Conventional Parliament were, and are Laws and Statutes of the Kingdom.*

Yet, to my knowledg, there wanted not Whiſperers to the King that it was of dangerous Conſequence to offer that Bill, and treacherouſly adviſed him to uſe his Intereſt amongſt the Members of both Houſes to lay it aſide.

They promote the getting an Act of Pardon.

And pray, my Lord, may I not reckon among theſe Treacheries the Advices and Sollicitations to our King to ſend a general Bill of Grace and free Pardon, without regard to Exemplary Juſtice, for thoſe Treaſons and Murders and other high Crimes committed before his coming hither?

I am ſure the ſame ſort of Men, that ſollicited againſt the Security of the Government, were thoſe that flattered his Majeſty by that Act of Grace to provide for their Security, if it ſhould ſtand: they not only deceiv'd the King of the great Forfeitures and Fines that ought in Juſtice to have born ſome part of the Charge of his Expedition hither; but have ſet all their Party at leaſt upon even Ground with the moſt innocent Sufferers for their Country, to be prefer'd to all ſorts of Magiſtracies and Authorities, and ſav'd them from making reparations to multitudes, whom they had oppreſt under Colour of Authority in the two laſt Reigns.

The deceit put upon the King by that Act of Grace.

I have heard ſome of them laugh at the deceit put upon the King by that Act of Grace, and the formal Exception of a few Perſons, that were not the greateſt Criminals. They knew that thoſe Exceptions could be of no effect for exemplary Juſtice and Security, as the Convention intended.

The chief Crimes committed in thoſe late Reigns, both in the Councils and Courts of Juſtice, were Treaſons at the Common Law, and triable in Parliament only, (being of a more pernicious nature than thoſe ſpecify'd in the Statutes) and theſe Offenders with their Adherents of leſſer guilt, ſhould have been reſerved for their Trials in Parliament, and Penalties to have been ſet by them, and exempted from the Power of the King to pardon, as in ſuch Caſes has been uſual.

But the Exception made of a few, ſuch as they are, without naming or diſtinguiſhing their Crimes, without enacting any Courſe for their Proſecution, and without Exemption from common Pardons at pleaſure, could amount to no more than to make the People hope in vain for ſome Vindication of publick Juſtice.

None puniſh'd for Crimes in the late Reign.

Time has ſhew'd the Craft of this Contrivance by the Indemnity of all the Perſons excepted, that are not ſince in Rebellion againſt our King. No Proceſs has iſſued againſt any of them, not a penny of their Eſtates, nor one hair of their Heads hath been touch'd; and ſeveral of them have ever ſince ſat in the Houſe of Lords, as our Legiſlators.

Lord Lieut. Sir, if you will have my Opinion of the King his Bill of Grace, I think they deceiv'd him to weaken his own Intereſt, under a ſpecious ſhew to ſtrengthen it.

His Enemies encourag'd by it.

All the Enemies to King *William* his coming to the Throne became bold and active to ſubvert him; and aſſuming to themſelves to be the beſt and ſtrongeſt Party, they would ſcarce ſuffer any thing to be done but by their Advices; and all his Affairs were ſo managed, that ſcarce any thing had good Succeſs.

They

They counsel'd him to hazard his Royal Person in a dangerous War in *Flanders*, while the War rag'd in *Ireland*, and the Desolations there daily increas'd. They knew the Troops could not be recalled from *Ireland* unless the Protestants of that Kingdom had been arm'd, as they had often petition'd; and that therefore the Number of the Troops that he could carry from his own Kingdom must be small: and yet their Advices would not suffer him to give Arms to those Protestants, which would have enabl'd him to have made use of most of those Forces in *Ireland* against *France*.

No Arms sent to the Protestants in Ireland.

The Issue of the Campagn of 1691. I need not tell you; it is too well known, that the strong City of *Mons* was lost to the *French* King to strengthen his Frontiers, and that the *French* Bravoes boasted, that they dare to charge the Rear of our Confederates in their breaking up the Campagn.

I know not by what Counsels the Affairs at Sea that Year were directed, and the Officers chosen; but this I know, that the Success of the Fleet was no better than that of our Armies at Land, and by all our Expence both of Blood and Treasure, the Power of *France* was rather increas'd than diminish'd.

Miscarriages at Sea.

Dep. Lieut. My Lord, Pray let me mind your Lordship of what I observ'd in our House of Commons, after the King had been advis'd to go for *Flanders:* They so press'd upon the House to hasten the Mony-Bills, that they gave us no time to think of our own safety in his absence.

Many of us saw the danger of the Government from the Persons put in Authority after the Act of Grace, and offer'd a Provision of the lowest security, that all admitted into their Majesty's Service should subscribe a Declaration, That *their Majesties were, are, and of right ought to be, by the Laws of this Realm, our Sovereign Liege Lord and Lady King and Queen:* but by divers Artifices under pretence of haste, that Bill was evaded, and our secret Enemies left to play their Game, whilst our King was abroad.

The Security of the King's Title slighted.

Then, my Lord, the mysterious Constructions of the Oath of Allegiance, which some advisers (false to the Government) had only whispered, began to be made publick, whereby they would have taken off all the binding Powers of that Oath to our King and Queen.

The binding Power of the Oath weakned.

It was first instil'd into the Clergys heads, and they began to appear in some places in combin'd Numbers before the Sessions of the Peace, where they were bound to take it, demanding Allowance to put their own perverted Sense upon the Oaths, and to enter it upon Record.

They invented the Notional Distinction between a King *de facto & de jure*, of a King in Fact and a King in Right, allowing no more to our King than to have unjustly got the Possession of the Crown, without Right or Title, and maintaining the Right to be in King *James*. (*a*)

Notion of a King de facto & de jure *invented by the Clergy.*

Thence they taught that the taking the Oath of Allegiance to our King and Queen was no acknowledgment of their Right to the Crown, nor inconsistent with the Oaths they had taken to King *James*; and that the Power that our King and Queen had gain'd made it lawful to swear Allegiance to them and obey them, whilst King *James* is unable to protect them, provided they did nothing against his Right.

(*b*) To the same purpose they cry'd up the Statute of the 11 *Hen.* 7. which enacted, that it should not be Treason to follow a King in Possession, and therefore advis'd King *James*'s Officers and Friends, that they might without danger of Treason take Imployments under King *William*, until they should have a time to appear for their true King.

And to undermine our King's true Title, they set up for him false Claims, which serv'd only to keep up Questions about his Title, and to insinuate, that he had no Legal Right to the Crown. For that reason they boldly printed a Claim for him by absolute Conquest, and procur'd from the Court to have it publish'd by Authority. (*c*)

A Title set up to the King by absolute Conquest.

There was also a former Treatise by the Right Reverend the Bishop of St. *Asaph* printed and dispersed, call'd, *God's ways of disposing Kingdoms*, to justify the Crown to have been disposed of by God to our King by the means of his Sword.

(*a*) Dr. Sherlock's *Case of Allegiance to Sovereign Powers.*

(*b*) Vide *The Case of Allegiance to a King in Possession*, 1 & 2 *part.*

(*c*) Vid. *An Answer to Mr.* Ashton's *Paper.*

And

Notion of Deliverer ſet up.

And to avoid our Laws for his Settlement, another pretence of Divine Right was alſo ſet up under the airy Notion of a Deliverer.

Yet none of theſe new Attempts to ſubvert our King's Title to the Crown by the Laws of the Realm, have been thought fit to be proſecuted, nor any Man indicted for them, tho they were manifeſtly deſign'd to ſubvert our Fundamental Laws declar'd in this Revolution, and the Right and Property of every Man's Eſtate in *England*.

Original Contract ſlighted.

And as they thus us'd various Artifices to render our King's Title uncertain, either from God or Man, ſlighting and decrying the plain Contract between our King and Queen, and the People by their Repreſentatives, ſo they induſtriouſly obſtructed a Declaration of the particular Tyrannies of King *James*, whereby it might have been manifeſt to all the World, that he renounced and abdicated his Office of an *Engliſh* Legal King to be an abſolute Tyrant, that had all our Laws in his Breaſt to ſuſpend the Execution of them as he thought fit.

Whilſt they could avoid ſuch a Declaration, they thought King *James*'s Caſe would never be deſperate, and the Sufferings under him would ſlide out of Memory, and in a little time they might dare to compare (as they now do by printed Papers) the times of his Reign with the preſent, to delude the People.

The Impoſture of the P. of W. Birth neglected.

Lord Lieut. Sir, There is another Art hath been us'd to weaken our King's Title, which you have not mention'd; they have dexterouſly avoided the matter of the ſuppoſed Prince of *Wales*, and would not ſuffer it to be brought into Parliament, that the Impoſture might have been there prov'd, and declar'd to all the World.

From thence occaſion is taken to move pity to that poor innocent Prince, as they call him, ſuggeſting, that he might have been bred a Proteſtant, and all Conteſts quieted about the Succeſſion to the Crown, and the grounds of a perpetual War avoided; whereby they endeavour'd to cool the peoples Affections towards our King, and keep them in doubts of new Revolutions.

The Commiſſion of the Peace put into ill hands.

Dep. Lieut. My Lord, I ſee ſo much Treachery in the whole management of the King's Affairs, that ſcarce have I patience to think of any more Particulars. The whole Adminiſtration is put into ſuch hands as would make a Man believe, that a Deſign is deeply and ſtrongly laid to bring back King *James*; moſt of the Juſtices of the Peace throughout *England* (whoſe faithful Execution of the Laws is the Strength of the Government) are now ſuch as would certainly be ready to bid him welcome; and many of them are ſo ſcandalous in their very Morals, that the Queen was conſtrain'd by Proclamation to order the Execution of the Laws againſt *Debauchery* even amongſt themſelves.

And, my Lord, to prove that the Powers of the Militia are in no better hands, I ſhall need no other proof than to pray your Lordſhip to look over your own Liſt.

The Militia in no better hands.

Lord Lieut. Sir, I think we may conclude, without looking further into the Management, that if thoſe who adviſe our King in his Adminiſtration had not been falſe to his Intereſt, the Kingdom might have now been free from the Trouble and Charge of raiſing the Militia, as we are commanded.

I know not whether we are able any way now to ſecure either their Majeſties or our ſelves. I ſee by the *Gazettes* and *Proclamations*, that the Queen and her Council know not how far this Conſpiracy doth extend. Several of the Lords of our Houſe are in hold under the Charge of Treaſon; divers of the Officers of her Majeſties Guards and other Troops are ſecur'd; ſome that were lately in great Command in the Army, are now in the *Tower*: Divers both Lords and others are fled; and as I hear, great Numbers are ſuſpected to have waited for the landing of the *French*, to have ſhew'd themſelves in Arms againſt their Majeſties: and in ſhort, there is too much reaſon to fear a general Revolt of moſt in Authority, if their Service ſhould be wanted againſt King *James*.

Much is not expected from the Officers of the Militia.

Dep. Lieut. My Lord, I begin to doubt whether the Queen hath had faithful Advice to command the raiſing the Militia every where upon this Alarm. It ſhews to all her Enemies, that we are in great Fear, it increaſes the Burdens and Vexations of the People, it renders King *James* his Party more conſiderable than I hope they are: And I ſee no Safety to be expected from it whilſt it is under ſuch Command, and out of a Method long look'd for from the Parliament, to make it eaſy and uſeful.

Lord Lieut. Sir, I can give you no judgment of this Advice, ſave only that it is ſutable to all the reſt, which hath been to make a ſhew of preſerving this Govern-

ment,

ment, but in truth to keep it unſettled, and to preſerve King *James*'s Pretences alive among the People, and at-laſt to perſuade them there is a Neceſſity for his return, *France* being too potent for us, and neither Safety nor Trade to be hop'd for without Peace with him; and to be plain, I doubt that all the Advices given to the King about the management of this War, have tended to the ſame purpoſe. I can never believe it had been otherwiſe poſſible that the King ſhould have been adviſed to have made a War upon *France* by Land, when the Experience of all Ages hath prov'd that this Iſland could neither be ſafe nor free without abſolute Dominion of our Seas.

No Safety without the abſolute dominion of the Sea.

The King's Adviſers could not be ignorant of our antient Hiſtories, that whenſoever any Neighbour Nation could make their Ships (ſuch pitiful things as they then were) more numerous than ours, this Iſland was haraſs'd, robbed and ſpoil'd, juſt as we are now frightned, and in fine forc'd to receive new Maſters.

'Tis notorious that the *Romans*, *Danes*, *Saxons*, and *Normans*, by the help of their Ships, became Maſters of this Kingdom.

Thoſe Adviſers could not but know, that all our former Princes (till *Charles* the Second betray'd us) were ſo jealous of the *French* getting Power at Sea, that they durſt not attempt it, until *Hen.*IV. preſuming on the Friendſhip of Q. *Elizabeth*, they began to build a Ship of Force; yet a Meſſage was ſoon ſent him, that if he did not deſiſt, it ſhould be burnt in his Harbour.

Our Power at Sea betray'd to France *by* K. Ch. II.

They could not but underſtand, that if our Seas were abſolutely commanded by us, the King might have been out of danger of expoſing his Perſon in War, and we might have ſat in Safety, laughing at all the Deſigns that the Council of *France* could invent againſt us.

Doubtleſs they knew that the *French* King could never have had Mony, Men nor Arms to offend his Neighbours, if the many Millions of Mony given by Parliament ſince this Revolution had been ſpent in Naval Forces, put into skilful and faithful hands, which had apply'd themſelves to prevent the Trade of the *French* with other Nations.

Naval Forces abſolutely neceſſary.

It would have coſt us leſs than the Mony given, to have ſent out yearly a Royal Fleet of a hundred Sail for our Defence and Glory, as early in the Spring as was needful, and over and above to have hired a hundred Sail of the beſt Merchants to have been wholly employ'd to deſtroy their Fiſhing in *Newfound-Land*, and their Intereſt in *America*, to have cruſh'd their Privateers, and have burnt the Ships of Trade in all their Harbours.

Had ſecur'd us, and ruin'd the Fr. *Trade.*

This alone had ſecur'd *Europe* from the *French* Tyranny, given Safety, Peace and Trade to *England*, and made him ſend King *James* to a Convent to do Penance for the Ills he had done.

Theſe Adviſers could not but know, that the Strength and Wealth of *England* could never have been leſſen'd by a War againſt the *French* at Sea (unleſs ſome ſpecial Anger of God had been ſhewn againſt us) our Country could have afforded better Ships, and Men, and Commanders for the Sea, than was poſſible for the *French* King to have provided; there had been a perpetual Spring to ſupply our Expences; the Monys had return'd as it were in a Circle, unto the Gentlemen, Tradeſmen, and Mariners, becauſe the Beef, the Pork, the Bread, the Peaſe, the very Clothing of the Seamen had been of our own Growth and Manufacture; and the more Ships had been equipp'd for Sea, the more had Trade and the Price of our Commodities been advanced, and our Force had been increas'd by uſing it, in regard more of our laborious Youth would have apply'd themſelves to the Sea-Affairs upon ſuch Encouragement; and increaſe of their Numbers would naturally and neceſſarily have promoted Trade and Power, and made all Nations court our Friendſhip.

The Advantages of ſuch a ſtrength at Sea.

Surely theſe could not have been forgotten, having been ſo lately approv'd by thoſe who purſu'd this Courſe, who were without Right or Title to the Government, and yet were ſubmitted to by all the World.

But on the contrary, theſe Adviſers muſt needs underſtand that when they counſelled the King to War againſt *France* at Land, it muſt be upon very unequal Terms, both of Expence and Hazard.

He could not tranſport his Men without great Charge, and muſt ſuffer the Delays and Dangers of the Winds and Seas: He muſt exhauſt his own Kingdom's Mony to maintain his Troops abroad, and to be ſpent amongſt Foreigners for the Proviſions of his Army; he muſt expect to loſe many of our *Engliſhmen* by the ſudden change

The great Diſadvantages of making War on France *by Land.*

change of Climate, Air and Diet, and the ignorance of providing for themſelves amongſt Foreigners.

In all Misfortunes and Accidents of War, he muſt want all ſudden Aſſiſtance from his Subjects; he can have no Recruits in his greateſt Neceſſities, unleſs the Winds and Seas ſhall favour him; and his Troops may be utterly deſtroy'd before it may be poſſible for him to be reliev'd. And they that gave the Advice know, that the People of the Country that is the Stage of War, are ſuch bigotted Papiſts, as would rather cut the Throats of our *Engliſh* in ſuch caſe of diſtreſs, than afford them the leaſt Succour.

Empire at Sea moſt uſeful and glorious.

Dep. Lieut. My Lord, You have made it ſo plain, that our King cannot reaſonably aſpire to Greatneſs, Glory, or Splendor, otherwiſe than by gaining Empire at Sea; that it could be no Miſtake, but vile Treachery, to adviſe him to ſuffer in his Perſon all the Hardſhips, Accidents and Dangers of a Land War, from whence he cannot hope for ſuch Advantages either to himſelf or his Kingdom.

I have often ask'd the moſt knowing Men I could meet with, what Benefit our King or Kingdom could expect from this mighty War in *Flanders*, if it ſhould ſucceed beyond moſt Mens hopes? And the Anſwer I could ever get, hath been no more, than that we ſhould weaken the Power of *France*. But I was bold to purſue my queſtion, and ask, Whether we thought ſo to beat him in *Flanders*, that he ſhould give us up his Fleet and Naval Stores to pacify us; or whether we hope this Summer or the next, to gain his Frontier Cities and Gariſons, which it hath coſt him near thirty Years to compleat, and many Millions to fortify? Or was it deſign'd to gain part of his Country from him, for the *Engliſh* to inhabit; or to over-run his whole Kingdom, and poſſeſs the Crown of *France*, and to plant the Proteſtant Religion there by the *Hermaphrodite* Swords of Papiſts and Proteſtants?

Little Advantage from the War in Flanders.

To all this it was only ſaid, that our King is cloſe in his Counſels, but no doubt he hath ſome very great Deſign. I could not forbear replying, that as far as I can diſcern, whoever put his Majeſty upon winning Towns and Territories from *France*, and aſpiring to the Crown of that Kingdom, were the moſt deſperate Deſigners againſt the Peace, Liberty and Happineſs of *England*; and the Conſequence of Proſperity therein, would be to change us from the moſt antient free Kingdom in the World, to be a miſerable Province of a King of *France* under a Foreign Army.

The Confederacy muſt be aſſiſted.

I confeſs, my Lord, the only fair Pretence for that War at Land is our King's Engagements to the Confederates. It muſt be agreed that the Confederates ought to be aſſiſted; but they could not complain if our King had us'd his Force againſt *France*, which had been fatal to him if right and prudent Counſels had been taken.

Great Force at Sea would ruin France.

For if the whole *Engliſh* Power, in conjunction with the *Dutch* Naval Force, had been employ'd againſt *France* at Sea, to have cut off its Trade with all Nations, and deſtroy'd his Shipping, he had never been able to ſend out Armies equal to the Confederates, nor to have kept his own People from Mutinies for want of Bread.

He might have had work enough and too much, to have watched and defended his Harbours and his Coaſts, from the Incurſions and Spoils that might have been made by our ſmaller Veſſels, ſometimes in one place, and then in another, as the Winds had permitted; and he might have been hindred of Ammunitions ſufficient for any numerous Armies.

This had been the moſt ſpeedy and moſt certain way to aſſiſt the Confederates, by diſabling *France* to reſiſt their Force; yet if it had not been thought Aſſiſtance enough to thoſe our Allies to have taken upon us the burden of the War at Sea for our ſhare, Contribution might have been ſent them towards their Armies, and a fourth part of the Mony we have expended in the Land War, would have rais'd them more Men and Horſe in their own Countries, than we have been able to ſend into *Flanders*.

I have heard ſome Miniſters of the chief Princes of the Confederacy ſay, That their Maſters wanted no Soldiers in their Countries if they had but Mony.

The Parliament Counſels declin'd.

Lord Lieut. I was ſatisfy'd almoſt from the beginning of this War, that the King was too much adviſ'd by ſome that are falſe to his Intereſt; but I was never hopeleſs of ſome Succeſs, until I ſaw the Parliament Counſels in the way of its management declin'd.

All Trade with Fr. *ought to be cut off.*

They wiſely adviſ'd ſuch a vigorous War, that he ſhould enter into no Alliance with Prince or State, that ſhould not make it one of the Articles of the Treaty, to break off all Commerce and Correſpondence with *France*, and our King graciouſly promiſ'd it in anſwer to their Addreſs: And the *Dutch* and *Engliſh* began briskly

briskly to make Prize of all Ships they found trading with the *French*; but in a ſhort time a Neutrality, and a free Trade with them (no doubt by ſome treacherous Advice) was, and ever ſince hath been openly allow'd to the Kingdoms of *Portugal*, *Denmark*, and *Sweden*, the State of *Venice*, and others, whereby the Enemy is ſupply'd with Naval Stores and Proviſions of War, hath vent for all his Native Commodities and Manufactures, and is enabled to maintain a War both by Sea and Land.

No Advantage yet got of France *by Sea or Land.*

And for my part I do not underſtand, that his Armies are now leſs numerous than when the War firſt began; and 'tis manifeſt his Fleet is greatly increas'd, and much better equipped, and his Ports richly ſupply'd with trading Ships taken from the *Dutch* and us, which are computed to amount to thouſands: and I ſee no Advantages that we have gain'd upon him, whence we ſhould expect greater Succeſs againſt him than we have had hitherto.

Falſe Notions given the King by his ill Miniſters.

Dep. Lieut. My Lord, it ſeems to me upon our whole Diſcourſe, that ſome who have been falſe to our King's Intereſt, have had an influence in the management of all his Affairs, and have given him falſe Meaſures of the State of this Kingdom, the Temper of its People and its Intereſt, and have cunningly and falſly indeavour'd to divide his Majeſty's and his Subjects Intereſts, and by Flatteries to lead him into the manner of Governing which he came to reform; and they have brought all his Affairs to ſuch a State, that honeſt Men know not what to do for the Service of their Majeſties.

I am ſure upon this meeting of your Lieutenancy requir'd by your Lordſhip, I dare not diſcourſe of our Dangers, which I take to be more from Traitors among our ſelves, than from the *French* King. I ſuppoſe it will not now be long before they come; what is your Lordſhip's Pleaſure to have done with them?

Lord Lieut. Sir, for this time I will only read the Letters and the Proclamation incloſ'd to me, and give them Orders to have the Regiments drawn forth, viewed and muſter'd, with commands to be ready with Mony and Ammunition, according to the Act of Parliament, when they ſhall be commanded.

I will not make any Clamours by turning out Officers at preſent; but if there be any Invaſion or Inſurrection, I ſhall make bold, without acquainting our Court, to revoke the Commiſſions of many of the Deputy Lieutenants, and make ſuch Deputies and Officers as to my knowledg are true to their Majeſties; and I doubt not to find our Country-men ſo true to their Majeſties, their Religion and Liberties, as to make them hollow out of the Field ſuch Officers as I ſhall diſcharge upon that Occaſion.

The Late King JAMES's *Letter to his Privy-Counſellors.*

With juſt Reflections upon it, and upon the pretended Prince of Wales.

Printed in 1692.

And a ſhort Account of the Judgment of the Parliament, 1 Edw. 4. *in Confutation of the Author of* [The Caſe of Allegiance to a King in Poſſeſſion] *With the Reaſons why the Sham birth hath not been publickly expos'd.*

James R— HOW much ſoever the late King may flatter himſelf with an empty Name, if he had conſulted his Truſty Counſellors the Jeſuits, or the Laws of this Kingdom, which he might have govern'd happily to this day if he had pleas'd; he would have found no reaſon to continue this Stile.

For the Judgment of his beſt lov'd Counſellors, I ſhall refer him to two Men of undoubted Credit with that Society, (a) *Leſſius* and *Becanus*; who both hold, that when a Prince is depoſed, he ceaſes to be a Prince, and becomes a private Perſon.

Tyrants to be depos'd.

The Authority for this they both place in the Eſtates of every Kingdom, and hold it juſtifiable to depoſe a Prince for Tyranny in the Adminiſtration; when he deſigns in his Government, and aims at, his private Advantage, and not the Publick Good, *&c.*

But unleſs it was for the Publick Good of this Nation, to bring it into ſubjection to the See of *Rome*, and for that end to exerciſe an Arbitrary Power in diſpenſing with the Laws of the Kingdom, it muſt be granted, that the late King was far from aiming at the Publick Good.

For the Laws of *England*; I ſhall not here have recourſe to thoſe numerous Precedents which may be produc'd as Evidences of the Law in this matter; but ſhall content my ſelf, and, as I believe, the impartial Reader, with an (b) Act of Parliament, which a Popiſh Parliament, 12 *R.* 2. refer to, as known and upon Record, and (c) but very lately before that time put in practice.

The Act for depoſing R. II.

'Whereby, if the King thro a fooliſh Obſtinacy, contempt of his People, or 'perverſe froward will, or any other irregular way, ſhall alienate himſelf from his 'People, and will not be govern'd and regulated by the Rights of the Kingdom, 'and laudable Ordinances, made by the *Counſel of the Lords and Great Men of the 'Realm*; but ſhall headily in his mad Counſels exerciſe his own Arbitrary Will; 'from thenceforth it is lawful for them, with the common Aſſent and Conſent of 'the People of the Realm, to abrogate, or depoſe him from the Throne, and ſet up

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(a) Leſſius de Jure & Juſtitiâ, *p.* 79. Tum deſinit eſſe Princeps, *&c. And* Falkner's *Chriſtian Loyalty*, p. 343, 344. *citing them both, agreeing almoſt in the ſame words.*

(b) *Knighton* Col. 2683. 12 *R.* 2.

(c) Meaning the Caſe of *E.* 2.

'in

' in his ſtead *propinquiorem aliquem de ſtirpe Regia*, ſomebody of kin, or neat of kin ' to the King, of the Royal Stock. It is not *proximum*, the next upon the Line; and then the *aliquem* gives a Latitude for chuſing any deſerving Perſon of the Stock Royal.

I know it will be ſaid, that this Law is no where to be found, but in an Hiſtorian of the time. *Object.* 1.

That the Parliament urg'd ſuch a Statute, and that it was a known Law at the time when it was refer'd to, no Man can doubt; tho indeed it is highly probable that *R.* 2. having aſſum'd a very arbitrary Power after this Admonition, caus'd this Statute, which ſtar'd him ſo full in the Face, to be taken off the File. Certain it is, that when at the end of his Reign the Parliament were enabled to call him to account, among other Grounds for his Depoſal they ſay, He *had caus'd the Rolls and Records concerning the State and Government of his Kingdom to be deſtroy'd and ras'd, to the great Prejudice of the People, and diſheriſon of the Crown of the ſaid Kingdom, and this, as is credibly believ'd, in Favour and Support of his evil Governance.* *Anſw.* 1. *Knighton* Col. 2752.

Farther yet, tho that Statute is not now to be found in Words, yet the late King's Coronation Oath might have advertis'd him of its being in force, as to the Subſtance of it, to this very day. *Anſw.* 2.

According to the antient Formulary, he either ſwore or ought to have ſworn, (*d*) To *grant, keep, and confirm the Laws, Cuſtoms, and Freedoms granted the Clergy and People by the moſt holy and glorious King* Edward.

This was *Edward* the *Confeſſor*, of immortal Memory for his collecting and ſtrict obſerving the Laws of the Kingdom, as well as for the admir'd Sanctity of his Life.

Whereas the Statute refer'd to 12 *R.* 2. makes one of the Conditions upon which the Sovereignty depended to be, that their Kings ſhould obſerve the Ordinances made by the Counſel of the Lords and Great Men of the Realm (the difference between which and Acts of Parliament is obvious) in that Body of the *Confeſſor*'s Laws tranſmitted down to us with unqueſtion'd certainty, it is written, (*e*) *Rex debet omnia rite facere in Regno ſuo & de Conſilio Procerum ſuorum*, ' The King ought ' to do all things in his Kingdom according to Law, and by the Judgment of his ' Peers. St. *Edward*'s Law goes farther, and is expreſs, that unleſs the King perform his Duty, and anſwer the end for which he was conſtituted, *Nec nomen Regis in eo conſtabit*, not ſo much as the *Name of King ſhall remain in him.*

To proceed to the Letter it ſelf.

RIGHT Truſty and well beloved Couſin and Counſellor, we greet you well. Whereas our Royal Predeceſſors us'd to call ſuch of their Privy-Council as could conveniently be had, to be preſent at the Labour of their Queens, and Witneſſes of the Births of their Children, (*f*) and that *we have follow'd their Example at the Birth of our deareſt Son* James *Prince of* Wales.

One would think that this was pen'd by ſome *French* Secretary, the *Engliſh* is ſo bald and improper, as where the Letter mentions the calling ſuch of the Privy-Council as could be had: *And whereas that we have follow'd*, &c. However no Example can be ſhewn of any one of his Predeceſſors who pretended to have a Privy-Council after he had ceas'd to be King; or, at leaſt, that thought it to any purpoſe to have Witneſſes of the Births of their Children, when themſelves had no Inheritances to leave them.

But as to the Inſinuation concerning the pretended Prince of *Wales*; his Birth would have been leſs ſuſpected, if all the Witneſſes, who ſwore materially, were not to be thought Parties; if the Biſhops had not been ſent to the Tower, as it were on purpoſe to remove the Neceſſity of ſending for the then Archbiſhop of *Canterbury*, who had not at that time reſign'd himſelf up to the *French* Intereſt; if there had been credible proof of the late Queen's having been with Child, before ſhe was brought to Bed; and ſhe had not been paſs'd the Years, at which it was uſual for *Italian* Women to bear Children. *Prince of* Wales *his Birth ſuppoſititious.*

(*d*) *Vid. Rot. clauſ.* 1 *E.* 3. *& Mag. Chart. ed. cum privilegio An.* 1558. *Juramentum Regis quando coronatur.*

(*e*) *Vid. Leges Regis* Ed. c. 17. *de Regis officio. Lambart's Archaionom. Hoveden* f. 604, &c.

(*f*) Whereas, *&c.* and that, *i. e.* whereas that

And yet if we could believe that she was really brought to Bed of a Son, and that the Son is yet living (the proof of which we must fetch out of an Enemy's Country) how could that in the least affect the Right of their present Majesties, who have been declar'd King and Queen by the Authority of the States, and that according to the express Letter of the Statute cited 12 *R.* 2. which shews that the States, upon the Abrogation or Abdication of a King, are under no Obligation of submitting to the next in Line? Nor can a Prince who has departed from his Title voluntarily, or by legal Implication, leave any Right to descend from him.

Vid. Camden's Eliz. Indeed when *Mary* Queen of *Scots* was adjudg'd to lose all her right of Succession to the Kingdom of *England*, for her Attempts against Queen *Elizabeth*, all the Judges of *England* being consulted whether this would not cut off the Interest of her Son, declar'd it would not. But it is to be consider'd,

Answ. 1. 1. That the Opinion of the Judges in that case could not alter the Law.

2. 2. That it was very likely, that they would favour King *James*, who at that time had a great Reputation and Interest in *England*, as much as they could with any Appearance of Reason; and there seems some colour for it, from the penning of that Statute, which was made in the View of the Pretences of the Queen of *Scots*, and her known Conspiracies, for which she was try'd.

Stat. 27 *Eliz.* c. 1. The Statute makes a plain distinction between a bare Design, and a Design which should take effect. In the first case they exclude and disable the immediate Pretenders if guilty within that Act.

In the second they exclude and disable the Persons pretending Title after the Queen, and their Issue, if consenting or privy; where the first Branch seems capable of an Explanation by the 13*th* of the Queen, which in like case disables Persons *during their natural lives only, as if such Person were naturally dead.*

13 *El.* c. 1.

In which Act there is plain Provision, that the Issue shall not be prejudic'd, but shall be in the same Condition as if the Parent had died before the Offence committed: and tho the same might be thought to be intended by the Stat. 27°. yet, it not being express'd, the Lords, with great Reason, made a question of it: for if this had been the Intention of the Parliament 27°. one would have thought they would have follow'd so plain a Precedent so lately set, in Words which would admit of no Dispute. And it appears very plainly to have been the Judgment of the Parliament 13 *Eliz.* that the disabling the Party would by Operation of Law have disabled the Issue, unless they had particularly provided against it. Certain it is, that the States of the Realm having (*a*) depos'd *E.* 2. he accounted it (*b*) a special Favour that they would chuse his Son to succeed him.

However, that Precaution was not enough to hinder us from the malicious Aspersions of such as were resolv'd to deprive us of our Royal Right.

Here is a smack of the *French* Scribe again, who else could have thought it a hindrance to have been kept from Aspersions? Or would any *Jacobite*, who understands our Language, use Words, which admit that the late King stands depriv'd of his Royal Right?

But whatever is here suggested, is undoubtedly owing to the just Causes of Suspicion, which the necessity of the Matter or their own ill Management occasion'd; so that it must be imputed to their own Fraud or Folly: Most, even of them who stand up for a suppos'd Right in King *James*, look upon the Prince of *Wales* as suppositious, and will acquit those from Malice in this particular, whom yet they stick not to charge with Rebellion.

Witnesses requir'd to be present at the late Queen's delivery.

That we may not be wanting to our self, now it hath pleased Almighty God, the supporter of Truth, to give us hopes of further Issue, Our dear Consort the Queen being big, and drawing near her time; We have thought fit to require such of our Privy-Council as can come, to attend us here at St. Germains, *to be witnesses to our said Consort the Queen's Labour. We do therefore hereby signify this our Royal Pleasure to you; that you may use all possible means to come with what convenient hast you can, the Queen looking about the middle of* May *next.*

In this and the former Paragraph such stress is laid upon the Birth of Children by the late Queen, as if the disbelief of the former Pretence were the sole occasion of the Abdication, and nothing of Misgovernment and breach of the Original Contract were in the Case. The Witnesses requir'd at the second Scene, are

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(a) *Walsingham* f. 107. *Rex dignitate regali abdicatur, & filius substituitur.*

(b) *Vid.* Knighton *ad finem regni* E. 2.

Privy-

Privy-Counſellors to the late King; but whether meant of them who had been of the Privy-Council, while he adminiſtred the Government, or ſuch as act by Commiſſion from him, to plot againſt the preſent Government, does not appear.

Their Plot, which was within theſe few days the Boaſt and Merit of their Party, muſt now be denied with as great Confidence; but if there had wanted other proof, the timing the appointment of the Birth of another Prince, the avow'd expectation which they had juſt at this time, the coming of the *French* Fleet, the Preparation for a Landing here, and the readineſs many expreſſed to receive them, ſufficiently ſpeak their deteſtable deſign: but that glorious Victory of our Fleet, which has daſhed their Hopes, and broken their Meaſures, will undoubtedly cauſe an Abortion of the intended Birth, or an adjournment to ſome Month more favourable to them than *May*, which is expir'd, and yet we hear of no Young Prince born: but both the late Queen, and the *French* Partiſans, muſt confeſs themſelves out in their Reckoning; and Almighty God, who, as the Letter obſerves, is the ſupporter of Truth, is the expoſer of Impoſtures.

And that you may have no ſcruple on Our ſide, our Dear Brother the moſt Chriſtian King *has given his* Royal Word *and Promiſe to you, as We hereby do, that you ſhall have leave to come, and,* the Queen's Labour being over, *to return with all ſafety.* *The* French *King promiſes Paſſes.*

That the nominal *moſt Chriſtian King* has paſs'd his Word, muſt be taken upon the Word of the late King; to which much credit cannot be given by any, who conſiders how well he maintain'd his Coronation Oath, and the Promiſes which he made in favour of the Church of *England:* And what regard the *French* King has to Oaths, and the moſt Religious Promiſes, is notorious to the whole Chriſtian World; and by this time his trueſt Friends, the Turks, repent of their having truſted him.

Beſides, the Promiſe here is very fallacious; for it is, that they ſhall have leave to return [*the Queen's Labour being over*] but if ſhe be with Child of a Cuſhion, her Labour will never be over; and they ſhall be detain'd there till they abjure their Religion.

The Iniquity of the Times, the Tyranny *of* Strangers, *and* miſled Party *of Our own Subjects, brought Us under the neceſſity of uſing this unuſual way.*

The Papiſts indeed have reaſon to complain of the Times, which are very unpropitious to them: but even they cannot complain of Tyranny, having had experience of the Lenity of their Majeſties Reign beyond their Deſerts or Hopes, as the moſt moderate of them will confeſs.

Tyranny, in the moſt common acceptation of the Word, is apply'd to Tyranny in the Exerciſe; and the preſent Adminiſtration is in that reſpect a reſcue from Tyranny: nor can their preſent Majeſties be accounted Strangers or Tyrants in Title, who had a true Legal qualification for ſucceeding to the vacant Throne, and have been ſettl'd in it according to the Conſtitution of this Government; as all who know any thing of it muſt acknowledg: and they only are the miſled Party, who believe the contrary. That Neceſſity, which the Letter complains of, came from other Cauſes than are there mention'd, and ſuch Cauſes as are inſeparable from that Superſtition, the obſtinate adhering to which has had ſuch a fate, as the Counſels of the Jeſuits have merited and extorted. *Preſent Government vindicated.*

Yet we hope it will convince the World of the Truth and Candour of our Proceedings, to the Confutation of our Enemies.

The *Engliſh* World would be very eaſy of belief if they ſhould be convinc'd by what might be depoſed by them, who ſhould be ſo fooliſh, or ſuch Traitors to their Country, as to go to *France* upon this occaſion.

But ſhould they be to be believ'd, and ſwear home to the birth of a Prince at this time, that would not remove all the Objections which have been generally receiv'd againſt the former; nor conſidering the great alteration in Conſtitutions, which the difference of Climates may make, would the late Queen's having a Child in *France*, be a convincing Evidence, that ſhe might have had one in *England*, in that ſtate of Health and Conſtitution, which ſhe was in here.

We not doubting of your compliance herewith, bid you heartily farewel.

He muſt needs have had great Proofs of their obſequiouſneſs, who (if he can think they were Proteſtants) would venture into *France* upon his Parole, or the *French* King's: yet it is not to be queſtion'd but many had given him mighty Aſſurances of their being reſolv'd to venture all things for his Service, who yet would

venture

venture no farther than in Words and Oaths, of which they certainly have been liberal to both ſides.

Given at our Court at the Caſtle of St. Germains, *the* 2d *of April,* Stilo N. 1692. *and in the* 8th *Year of our Reign.*

A Caſtle ſeems no improper place for his Court, who is, in effect, but the *French* King's Priſoner: but what he ſends to *England*, while he is in the Power of the Nation's inveterate Enemies, is not likely to prevail with any true *Engliſh-man.*

——*Metuunt Danaos vel dona ferentes.*

Dates of Kings Reigns conſider'd.

How he comes to reckon this the 8*th* Year of his Reign, I cannot tell; I am ſure there is no Precedent for it in the *Engliſh* Annals, which will come up to his Caſe. His Brother, I muſt own, dated his Reign from the death of his Father, and ſuppos'd it to have continu'd during all the times of Uſurpation; but he had not been formally ſet aſide by a regular Convention of the States, nor had any one been choſen, or declar'd King in his ſtead.

Indeed, *Edw.* 4. was accounted King all the while from his firſt aſſuming the Royal Dignity to his Death; tho *H.* 6. was in Poſſeſſion for a ſhort interval: Yet it is evident that whatever *Edw.* 4*th*'s Right was, his own Parliament did not account him King by reaſon of any Right which he had, without an Election of the States, upon *Hen.* 6*th*'s incapacity to reign, and breach of the Contract ſettl'd in Parliament, between *Hen.* 6. and the Father and Son, *Richard* Duke of *York*, and *Edw.* 4.

Vid. *Rot. Parl.* 1 E. 4.

And the ſhort Poſſeſſion of *Hen.* 6. after a Redemption of Power, was accounted a Nullity, beeauſe of his inability to reign, join'd with the Conſideration of that ſudden and tranſient Force which the States were under, and from which they as ſuddenly freed themſelves.

But as *Richard* Duke of *York* was never accounted King, being never ſubmitted to by the States, *E.* 4. was not accounted King, till ſubmitted to: So that the Government was always held to go along with their Submiſſion, while it was to a Perſon capable, and they might be thought to have acted with any manner of Freedom and full purpoſe of ſettling it.

For proof of this, I refer my ſelf to the Circumſtances in Story, and the (*a*) Records of Parliament of that very time, from whence the Divine-Right-men fetch their Notion of *King in Right*, and *King in Fact*; at which time he who was upon Succeſs adjudg'd to be the *King of Right*, was not adjudg'd to have reign'd till the 4*th* day of *March*, on which day he was put into poſſeſſion by the Conſent and Choice of the States of the Kingdom: And tho the *King in Fact* was held to have been unable to govern, and to have broken the Contract before the 4*th* of *March*, yet he was accounted to have reign'd till then. And whereas the Author of *The Caſe of Allegiance to a King in poſſeſſion* (who argues unanſwerably upon the Fact yielded to him by ſome without any ground) affirms, 'That *H.* 6. was attainted 'of High Treaſon againſt *Richard* Duke of *York*, who was not King, but only de-'clar'd Heir to the Crown; which would argue that the Parliament which attainted *H.* 6. look'd upon *Richard* as the King Regnant, notwithſtanding the Poſſeſſion of *H.* 6. the Fact is quite otherwiſe: for no Act againſt *Richard* was accounted Treaſon, nor even againſt *E.* 4. till the Parliament had declar'd him to be in poſſeſſion upon the Submiſſion of the States; and this, tho *H.* 6. had abdicated before the day by which they adjudg'd the Poſſeſſion to *E.* 4. Nor is it material to ſay that ſeveral Treaſons were aſſign'd, *(b) which were committed before King* Edward's *Coronation*, unleſs they had been before the 4*th* of *March*, when the States gave him Poſſeſſion. But any Man that reads the Parliament-Roll it ſelf, without truſting to Abridgments, will find that *E.* 4. was not accounted to have began his Reign before the 4*th* of *March:* and as in Reaſon, there can be no Treaſon againſt any Perſon before he is King of this Kingdom, neither was any Act againſt *E.* 4. before the 4*th* of *March*, on which day he began his Reign, to be Treaſon even by his own Parliament.

Caſe of Allegiance, p. 11. H. 6. *attainted of High Treaſon againſt* R. *Duke of* York.

(*a*) *Rot. Parl.* 1 E. 4. Hollinſhead, *f.* 661, 662, 663. Stow, *f.* 414.

(*b*) Caſe of Allegiance, *p.* 11. *All which Treaſons were committed before King* Edward's *Coronation, and ſo before he was King in full poſſeſſion.*

This

This may ſatisfy all unbiaſs'd Perſons, that unleſs *James* the Second ſhould be re-admitted (which perhaps might argue that the States retain'd a Purpoſe to return to his Obedience) his Reign muſt now, and will in all after Ages be held in Judgment of Law to have determin'd, if not at the time when the States adjudg'd the Vacancy to have began, at leaſt when their preſent Majeſties were firſt declar'd King and Queen, and that before their taking their Coronation-Oath; as long as they not only refus'd not to take it, but expreſs'd their acceptance of the Government according to the Conſtitution, by which it is always preſum'd, till the contrary appears, That every Prince who aſſumes the Royal Dignity, will take the Coronation Oath at ſome convenient time of his own appointing, or their choice.

The Caſe of Maud *the Empreſs.*

(a) But tho *Maud* the Empreſs had been declar'd Queen upon Succeſs againſt King *Stephen*; yet ſhe refuſing to maintain the *Confeſſor*'s Laws, the promiſe of which is an eſſential part of the Coronation Oath, was rejected almoſt as ſoon as receiv'd; and by an haſty flight, gave an early Example of the late Abdication.

Tho ſhe was the Grandchild of one whom ſome now will make a Conqueror, freed from any Obligations of obſerving the old *Saxon* Laws; yet there was never any Pretence ſet up for her after, much leſs was ſhe thought to have continu'd her Reign: and tho many declar'd for her Son *H.* 2. in her Lifetime, yet he found it convenient to accept of a Settlement of the Crown, in remainder after the death of King *Stephen*, as his adopted Son, (b) the Charter of which Adoption is to be ſeen in the Hiſtorian (c) *Bromton*. But the late King, by breeding the pretended Prince of *Wales* in *France*, has cut off all reaſonable Expectations of having him ever to be adopted Heir of this Kingdom.

The Jacobites *Clamour groundleſs.*

I know ſome Men, whoſe Crimes in former Reigns, and profeſs'd Enmity to the Liberties of *England*, had engag'd them in a Party which oppos'd the Acceſſion of their preſent Majeſties to the Imperial Throne of this Realm, after they had invited his Majeſty's Arms, and importun'd him to take upon him the Adminiſtration, raiſe a great Clamour upon the ſilence of Parliaments, in relation to the putative Prince of *Wales*; as if it were a tacit Admiſſion that he was real. But certainly in this the Parliaments choſe to ſhew, that the Government is ſettled upon ſuch a Bottom, as makes it not in the leaſt material whether Prince or no Prince; well knowing that the Convention, which afterwards became a Parliament, upon acting under a legal Head (as did the Parliament, which afterwards being turn'd into a Convention by the depoſal of *R.* 2. acted with *H.* 4.) exercis'd a Power which was veſted in them by the Conſtitution of this Monarchy, and follow'd the wiſe Examples of *H.* 8. and Queen *Elizabeth* of glorious memory. *H.* 8. tho he had baſtardiz'd both his Daughters, *Mary* and *Elizabeth*, yet ſettled the Crown upon them both ſucceſſively, in remainder after his Son *Edward*, without taking off the Illegitimation of either Daaghter: Whereby he certainly plac'd the Right of their Succeſſions upon a ſurer Foundation, from the Authority of the King and States to diſpoſe of the Crown, than if he had declar'd either of the Siſters to be legitimate. Nor indeed would he have done this without ſhewing at the ſame time that one was Illegitimate; the Queſtion being, Whether the Mother of *Mary*, or the Mother of *Elizabeth*, was the true and lawful Wife?

Vid. *Rot. Parl.* 1 H. 4.

Q. E. *never repeal'd the Act made againſt her in* H. 8. *time.*

And tho Queen *Elizabeth* had full Opportunity and Power to cauſe the Act which baſtardiz'd her to be repeal'd, eſpecially after the Proteſtant Religion was thorowly ſettled, and that Party cruſh'd who held the Pope's Authority to make good the Marriage of *H.* 8. with his Brother's Wife, carnally known by him; yet ſhe wiſely contented her ſelf with a Title deriv'd from that Conſtitution of the Monarchy, by virtue of which the Crown had been ſettled, rather than to fetch one from Heaven by a Divine Right of Birth.

That the ignorant Followers of blind Guides may know what was the Judgment of the Times of *H.* 8. and Queen *Elizabeth*, to go no higher, of the Divine Right of Succeſſion, I deſire them to read the Acts of Parliament, 28 and 35 *H.* 8. which declare, That if ſuch Heirs as are there appointed, without regard to the *Scots* Family, *ſhould fail, and no Proviſion be made in the King's Life-time who ſhould rule*

28 H. 8. c. 7.
35 H. 8.

(a) Vid. inter decem Scriptores Gervaſium Dorobern. & Bromton in vitâ R. Steph.

(b) *See the Charter of the Adoption of* H. 2. Bromt. *col.* 1037.

(c) Ego Stephanus Henricum Ducem Normanniæ, poſt me Succeſſionem Regni Angliæ, & Heredem meum jure Hereditario conſtitui, &c.

and

and govern this Realm, then the Realm ſhould be deſtitute of a lawful Governour. See alſo the Journals 8 and 9 of the Queen, with the Act of Parliament 13 *C.* 1.

Journals of Q. Eliz. f. 105, 106, 107.

The Houſe of Lords in their Addreſs 8 and 9 *Eliz.* deſire that a Succeſſor might be appointed in Parliament, *leſt God ſhould call the Queen without certainty of Succeſſion*; and for that the *not performing* what they deſir'd, *would leave the Realm without Government.* And that memorable Act 13 *Eliz.* c. 1. makes it highly Penal in any after time, to deny the Power of the Parliament to limit or alter the Succeſſion; and adds a Penalty upon them, who ſhould affirm that any but *the Iſſue of the Queen's Body* had Right to ſucceed after her.

But we ſhall never be quiet from vain Diſputes againſt the Right of the preſent Government, till it makes examples of Offenders, within the perpetual Branch of this wiſe and equitable Law.

The Jacobites have no Principles to fix on.

Let any Man ſeriouſly conſider the Controverſy between them who hold the late King ſtill to reign, and thoſe who aſſert that their preſent Majeſties are our only Sovereign Lord and Lady, and they will find the *Jacobites* have not one true Principle upon which they can fix; and all the Advantage which they have, is by the Conceſſions of thoſe who would pretend to defend this Eſtabliſhment, upon the ſame Principles which carried them to the moſt ſervile Compliances in the Reign of *Charles* the Second, and part of the Reign of *James* the Second; till according to the Scripture-obſervation, *in adverſity* they *conſider'd*, and found that to be the Conſequence of their Doctrines, which they would never believe; and then ſtarted back from it with horror. But alas! Nature is too apt to return.

Some having taught, That a Sovereign Prince while he lives, muſt retain the Sovereignty as inſeparable from his Perſon, till he has expreſly and formally renounc'd it, admit the Right of the late King to continue, notwithſtanding the Poſſeſſion of their Majeſties, with the full and regular Conſent of the States of the Kingdom; and tho the Kingdom has, by the Providence of God, been given them in ſuch a manner as has been held to make a legal Settlement, if not from the earlieſt Times, at leaſt by the Stat. 11 of *H.* 7. And they very indiſcreetly yield, that the Statute ſuppoſes ſome other to have Right beſides *the King and Sovereign Lord for the time being*; which is abſurd in it ſelf, and againſt the manifeſt intent of the Statute. Nor can any reaſonable Man think, that this was the Judgment of *H.* Seventh's Parliament, 11 *H.* 7. when the Parliament in the firſt of his Reign, had not only

Stat. 1 H. 7. Ordain'd, Eſtabliſh'd, and Declar'd, That the Inheritances of the Crowns of the Realm of *England* and *France*, *be*, *ſtand*, *and remain* in *H.* 7. and in the Heirs of his Body for ever, and in *no other Perſons*; but by another Act revers'd the Attainder of *H.* 6. of the younger Houſe, for acting againſt *E.* 4. of the Elder, even after *E.* 4. had been receiv'd and ſubmitted to by the States; which Attainder of *H.* 6. the Statute declares to be contrary to *due Allegiance and due Order*, plainly ſuppoſing that while he had the Poſſeſſion, he was the only King and Sovereign Lord.

1 H. 7. *n.* 16. Reſtitutio H. 6.

Tho I am tempted to enter into a large Field on the Judgment of the moſt antient Times, I purpoſely forbear, and ſhall only obſerve and remove another Objection, or rather Prejudice, from the repeated Doctrine of the Church of *England.*

The Doctrine of Paſſive Obedience, &c. not the receiv'd Doctrine of the Ch. of Eng.

As I take it, nothing ought to be receiv'd for the Doctrine of the Church which is not to be found in its *Articles* or *Homilies*, or at leaſt Canons duly made and receiv'd; but they as well require Active Obedience to lawful Governors, as Paſſive: and yet none but Papiſts will ſay, That we were bound actually to aſſiſt King *James* to ſubdue his Proteſtant Subjects, or that only Power which, without a Miracle, could ſupport them in the profeſſion of their Religion; or, as a late Writer has it, *cover their Heads while they treated.*

And whatever the Articles, Homilies, or receiv'd Canons of the Church, argue to be the Duty of Subjects; to whom Subjection is due, is no Point explain'd by them, it being ſuppos'd that the Laws of the Land, and they whom the Conſtitution intruſts with declaring the Law, ſhould determine that Queſtion.

Bp Overal's *Convocation-Book.*

And beſides, ſome think they have the Canons of a Convocation in King *James* the Firſt's Time (as there certainly was the Approbation of the Clergy in Queen *Elizabeth*'s, of her interpoſition in other Kingdoms) to ballance whatever may be drawn from the publick Acts of the Church of *England*, to the prejudice of this preſent Government, or of thoſe Means by which it was eſtabliſh'd.

K. de facto *&* de jure.

But the Diſpute of *King of Right*, and *King in Fact*, is taken from Popiſh times: And ſince the Reformation hath left us a clear Stage, and the Judgment of the Parliament

liament 1 *Ed.* IV. on which they who argue for King *James* his Right chiefly rely, is on our side, we need not fear the Forces of all Antiquity; especially when we consider that the Clergy of old Times, who were our Historians, Judges, and chief Lawyers, and the Penmen of Publick Transactions, had that dependency on the Pope which made them stand indifferent between Prince and People.

I must confess it has been to me a Mystery, how the Non-swearers came to charge all who are not of their Schism, with Apostacy from the Church of *England*, till one of their Champions has been so weak, as to quit the Advantage of Clamour upon a general Charge, by shewing how they proceed to prove it. One against whom he writes, having prest to know from what Article or Homily of our Church, Allegiance to the late King can be enforc'd: 'Sure, *says the Champion*, he cannot 'forget that God's written Word, and that only, is our entire and adequate Rule 'of Faith: And the best Interpreter of it for us to follow, is *the most unanimous 'Exposition* of it, *avowed by the Doctrine of our Church-men*, and the agreeable and 'constant practice of the Church. *The Vindicator of the pretended Royal Martyr.*

Now what is this but the Popish Doctrine of Tradition, strip'd naked and disrob'd of all its Rags of seeming Authority? If it takes in the unanimous Exposition of Church-men, and the Practice of the Church in all Ages, he must pray in Aid of the Church of *Rome:* And unless this Writer is a Papist (as it is to be presum'd that they who charge the Body of our Clergy, and others with *Apostacy*, are) why shall the Rule of Faith hold in relation to Government, and not in all other things? And how could a Reformation be duly made, contrary to this Rule? *How a Doctrine may be said to be that of the Ch. of Engl.*

If he urges this as a Protestant, he goes a step beyond the Papists; who, as I take it, rely not on Tradition, but as they suppose it an Evidence of what has been the Doctrine of the Church in all Ages; but place no Authority to judg of the Tradition in any under a Pope, or rather, according to most of them, a Council solemnly assembled after Invocation of the Holy Ghost. But here the diffusive Body of Churchmen must be divinely inspir'd: Yet whatever they may pretend, the Holy Spirit may as truly be said to come in a Clokebag from *France*, as formerly from *Rome* to *Trent*. But Doctrines, it seems, are to be thought true or false according to the Poll, or rather the Noise; there never having been a fair and regular Poll, and casting up of their Voices, that I have heard of: Generally the loudest, the forwardest, and the most injudicious have, without any manner of Election, pretended to represent the rest: When one would think they might be satisfy'd, if the Laity would yield to their Request, That the Bishops, Presbyters, and others, elected by the Clergy, that is, a Convocation without a Parliament, may be the Church of *England* Representative. But as Churchmen are jealous enough of their own Rights, it is not to be thought they will be concluded by the Books or Sermons of those whom they never chose to make Offers in the name of all.

This I am sure was their Apology in King *James*'s Reign; and those of the new Separation were as forward as any to disclaim and renounce all Pretences of this kind. Their present Champion seems to make a difference between the Church and Churchmen, mentioning the Doctrine of Churchmen, and constant Practice of the Church; whereas in truth the Abdication or Abrogation of one King, and Submission to another in his Life-time, has never been a Question before since the Reformation: and now it is become a Question, the Church of *England* has declar'd for, and submitted to the King and Queen, who now fill the Throne after a Vacancy. *Difference between the Church & Churchmen.*

If we look backward to see what the Church of *England*, or the State including the Church, has done or thought in former Ages, we shall find what is charged as a Departure from our Church to be no new thing.

Certain it is, in Popish times they have set aside Princes of their own Religion, without consulting the Oracle at *Rome*, upon Cases clear by the Constitution: Nor if there were any doubt, is it likely that they would have run the hazard of losing that Opportunity, which they had upon the first appearing unanimous for casting off a National Burden; the resentment of which a small delay might cool.

Can any Period be assign'd in the dark Ages of Popery, when, if a Prince who had clearer Light should, with a few to whom he communicated his Intentions, have endeavour'd to impose his way of Worship upon a Nation confirm'd, not only by constant Practice but firm Laws, in a contrary Religion; or should have given manifest Indications, that he would use all his Authority to this end; the Clergy would have been less scrupulous than the Doctors of the *Sorbon* were in declaring a-

gainſt *Henry* the Fourth of *France* while he profeſs'd himſelf a Proteſtant? Nay, would not the Body of the Nation have declar'd, That a Prince of a Religion contrary to that of his Country was incapable to govern?

A Prince of a different Religion is uncapable to govern.

If of themſelves, or through the interpoſition of ſome Foreign Prince or State, they had ſecur'd the free Poſſeſſion of their Religion, and the Benefit of the Laws which upheld it; would they, with blinder Proteſtants at this day, have deſir'd the return of their Fears? Would they have wiſh'd for ſuch Succeſs to the *Waldenſes*, or *Albigenſes*, the only viſible Powers then againſt them, as ſome who would be thought Proteſtants do to the *French*? Nay, when they ſwarm'd with Legends of Miracles, which were thought almoſt as plentiful as the Gods of *Egypt* ſpringing up in the Gardens; Would they have expected Deliverance from their own Prayers and Wiſhes?

I know the common Refuge, Let Juſtice be done, and leave the Event to Providence. But ought we to tempt Providence to deſtroy us, by our promoting, againſt the Intereſt of our Religion, that which we are not, cannot be aſſur'd to be the Cauſe of Juſtice? Can it be Juſtice to ſacrifice our Religion and Civil Rights to the Humour, or Bigotry, or Revenge of one who had manifeſted, That he would not govern as King of a Proteſtant Kingdom, or of a Kingdom where the Law had placed Boundaries to the Will of the Prince?

Obligations to our Deliverer.

What do we not owe to a Deliverer who has freed us at home from all true Cauſes of Fear but from our ſelves? Who is the Support of the Confederates, and the Head and Life of their Armies, and, under God, has *put an Hook into the Noſtrils of the great Leviathan*, who ſo lately *ſported himſelf in the Waters?* What a Bleſſing is it, that when the Cauſe of Chriſtendom calls him to other Regions, his Throne is not left empty, but adorn'd with a Queen, to whom the true Religion, and her Native Country, are the neareſt Relations; and who gains not more Hearts by the ſerene and awful Majeſty of her Looks, than ſhe defeats Enemies by a Courage more than Female, and only not Divine? Indeed, what leſs than a Divine Power can vanquiſh the Timidity and Irreſolution in times of Danger, natural to the tenderneſs of the fair Sex? And in what Age or Nation can we find her Parallel, but in our admired Queen *Elizabeth*, whom all Generations to come ſhall bleſs, for eſtabliſhing the Proteſtant Religion at home, and ſupporting it abroad, at a time when the King of *Spain* was the Darling of the Pope and Jeſuits, and by their Aſſiſtance ſtood as fair for an Univerſal Monarchy as the *French* King did, before the interpoſition of their preſent Majeſties?

Character of Q. Mary.

It has been obſerv'd, that ever ſince the defeat of the *Spaniſh* Armada by Queen *Elizabeth*'s truly Invincible Fleet, that Monarchy has wither'd like a Plant wounded at the Root: And we have grounds to hope, that the *French Royal Sun*, which by our late Naval Victory has been forc'd to ſet in the *Britiſh* Seas, never to riſe again, is a true Emblem of that Monarchy.

And God ſeems to have deſign'd it in his Providence, as a Preſage of his farther gracious Intentions towards the Profeſſors of the true Religion; and that Family out of which the Papiſts culled the nobleſt Sacrifice, yields a living Hero to avenge the Death of the brave Lord *RUSSEL*, and to vindicate that Cauſe for which he died.

A LETTER to a Friend, concerning a French Invaſion, *to reſtore the late King* James *to his Throne.*

And what may be expected from him, ſhould he be ſucceſsful in it.

Printed in 1692.

SIR,

IN your laſt you ſeem much concern'd about the *French* Invaſion, and deſirous to know what I think may probably be expected from the late King, ſhould he prove ſo ſucceſsful, as to recover his Throne; and what *Engliſh* Subjects are bound in Conſcience to do, ſhould he land in *England* and demand his Right.

The laſt is a material Queſtion, but I wonder how you came to ask the Firſt, as if it could be any Queſtion what the late King will do, if he were reſtor'd by Power to his Crown. For I think it paſt all doubt, that he will do as he did before, only in all Probability a great deal worſe: And you remember how that was; for arbitrary Power and Popery are of too great Concernment, and have left too frightful an Impreſſion behind them, to be ſo ſoon forgot. And this will go a great way towards an Anſwer to your ſecond Queſtion, unleſs you think we are bound to take King *James*, and a *French* Government, and a *French* Popery with him; which I ſhall not eaſily be perſwaded to; and, I believe, there are not many *Engliſh* Proteſtants will.

Popery and Slavery muſt follow on K. J. his Succeſs.

But to anſwer your Queſtions diſtinctly. As to the *Firſt*, When we ſee what the late King *James* has done, what reaſon have we to expect, that ſhould he return with Power, he would ever do otherwiſe? Is he more oblig'd now by his Proteſtant Subjects, than he was before? Can he make fairer Promiſes, than he did before? Is he leſs zealous for Popery, or grown more out of conceit with arbitrary Power? Or will he be leſs able to make himſelf arbitrary, and ſet up Popery when he returns a Conqueror? For I take it for granted he muſt conquer firſt, becauſe King *William* won't abdicate nor ſteal away; and the Power that conquers, will give Laws and Religion to the Conquer'd.

Objections.

I know there are two things pretended, as a Foundation for better Hopes. *Firſt*, That the late King is now ſenſible that the *Engliſh* Nation will never bear Popery, nor arbitrary Power; and that he has ſuffer'd ſo much by theſe Attempts already, that he will never venture the like again. *Secondly*, The great Merits of the Nonſwearing Clergy and Gentry, which will atone for the Church of *England*, and make him their ſure and faſt Friend, Patron and Defender, eſpecially if thoſe who have been too forward in complying with the late Revolution, ſhall expiate that Crime by an early Repentance, and a vigorous Aſſiſtance to reſtore him to his Throne.

Anſwers.

Firſt, As for the firſt, there are too many Anſwers to be given to it, to hinder it from being the leaſt probable ground of Hope; tho Hope it ſelf is *Rei incertæ nomen*, ſo very uncertain, eſpecially when we gueſs only at the Inclinations of Princes, that Lives, and Fortunes, and Liberties, and Religion, are not to be ventur'd on it, againſt former Experience.

But to let that paſs, pray conſider what the true Import of this Argument is: for it amounts to this, that all Men will learn by Experience; that Men will not venture on thoſe things a ſecond time, which have prov'd fatal to them once;

that Princes will certainly for ever after diſlike ſuch Counſels and Meaſures, as have already ſhaken their Thrones, and made their Crowns fall from their Heads.

No ground of bettering our ſelves by King J.

Now we may flatter our ſelves with ſuch Hopes as theſe, which may upon ſome account be call'd reaſonable Hopes, becauſe there is great Reaſon it ſhould be ſo; but yet they ſo often fail, that there is no Reaſon to rely upon them. The Repentance of dying Sinners and of undone Prodigals, who return to their old Sins again, if they recover their Health, or find new Treaſures to waſt, confutes ſuch Expectations. Sufferings rarely cure a vehement Love and fond Paſſion for any thing, which is the Caſe of old habitual Sinners; and no Man can be fonder of any Vice, than ſome Princes are of unlimited and arbitrary Power.

And when this is join'd with a reſolv'd and inflexible Temper, which ſcorns to yield, and had rather be undone a thouſand times, than own, retract, or amend a Fault; ſuch Misfortunes do but whet Revenge, and make them ſwell as a River does when its Current is ſtop'd, which flows with a more rapid and foaming Stream, when it has once forc'd its way.

Superſtition a great hindrance to Amendment.

Eſpecially when Superſtition is the prevaling Ingredient, which fires the Spirits, and raiſes imaginary Scenes of Glory out of the loſs of Crowns and Kingdoms: And what, will ſuch a Prince, if he ever recover his Throne and Power, forfeit the Glory of loſing his Kingdoms again, by deſerting the Cauſe for which he loſt them before? No Man can certainly tell, how Superſtition will act, nor how it will reaſon; eſpecially when the Conſciences of Princes are under ſuch Directors, as will venture their Crowns for them over and over, to carry on their own Deſigns, and know how to expound Providence to flatter Superſtition. And then the Recovery of his Throne may be made a better Argument, and a ſtronger Obligation to revive and proſecute his old Deſigns, than the Fear of loſing it again can be to make him deſiſt.

And to make this yet more demonſtrative, with reference to the late King, we ought to conſider, That this is not the firſt Trial he has had, and that this Conſideration has done him no good.

K. C. I. his Sufferings.

He ſaw before what his Father King *Charles* the firſt ſuffer'd, only for ſome Attempts towards Arbitrary Power, and for mere Jealouſies and Suſpicions of his favouring Popery: He loſt his Kingdoms and his Life, and his Sons ſuffer'd a long and hard Exile. *Charles* the Second indeed took warning by this, and tho poſſibly he might be big with the ſame Deſigns, yet would he not venture too far, nor diſcover himſelf too openly, for fear of travelling again, as he us'd to ſpeak. But King *James* had not Patience to conceal his Inclinations, till he came to the Crown; and that had like to have coſt him his Crown, before he had it: and yet this was not ſufficient to caution him againſt thoſe violent Methods he afterwards us'd to advance Popery, which were ſo ſeaſonably defeated by the happy Arrival of our preſent Sovereign, whom God long preſerve. And thoſe who are ſo deſirous to try him again in *England*, as they have lately done in *Ireland*, to their full Satisfaction, if they could try only for themſelves, ſhould have my free Conſent to make the Experiment.

King J. *would take no warning.*

King J. *his Behaviour in* Ireland.

Have not the poor *Iriſh* Proteſtants made it to their Coſt, even ſince this very Revolution, from whence, and from the Wiſdom he muſt needs have learn'd by it, this miraculous Change in him is now expected? And did they find any ſuch Change in him, unleſs for the worſe? And yet, if ever, then he was upon his good Behaviour, when he wanted their Aſſiſtance to ſecure his Poſſeſſion of that Kingdom, and to recover his other Dominions; and when in Reaſon it might have been expected, that, whatever Reſentments he had, he would have thought it his Intereſt to have treated Proteſtants with greater Tenderneſs and Reſpects. But if the Neceſſity of his own Affaires could not obtain this from him, what muſt Proteſtants expect, if he return with Power? And tho ſome Proteſtants here in *England* ſeem not to be at all affected with this Experiment, yet it hath made ſuch an Impreſſion upon the Proteſtants in *Ireland*, that they are for ever cur'd of their Fondneſs, and have not the leaſt Curioſity left to make any further Trials.

King J. *his good Inclinations ſignify nothing.*

It is pretended indeed, in excuſe of this, that he was then under the Government of *French* Miniſters and Counſels, and under the Power of *Iriſh* Prieſts and Papiſts, and ſo was not at liberty to follow his own Inclinations: I ſhould be very glad of a good Argument to prove, that he had better Inclinations. But however, what Comfort is this to Proteſtants, that he has better Inclinations, but is not his own Maſter? For if he muſt never ſhew any Kindneſs to Proteſtants, it is no matter what his Inclinations are: And can any Man imagine, That if the *French* King by

Force

Force and Power place him on the Throne, he will be leſs under his Government than he was in *Ireland?* The *French* King, among many other wiſe Maxims, has this, I am ſure, for one, never to make a King, without making him his own Vaſſal; and the Power that can make a King, can make him his Slave: So that it is to no purpoſe to enquire what King *James* will do, but what King *Lewis* will do, if King *James* returns?

Non-ſwearers great Merits examin'd.

Secondly, As for the great Merits of the Nonſwearing Clergy and Laity, I greatly ſuſpect, that neither the late King *James* nor King *Lewis* will think them ſo great as they themſelves do. Their Merits muſt conſiſt either in their Principles, or in their Practices. And we will briefly conſider both.

Their Principles.

Their meritorious Principle is this, that the Rights of Princes, eſpecially of hereditary Princes, to their Thrones, are ſo ſacred and inviolable, that as they cannot forfeit them to their own Subjects by any Male-Adminiſtration, ſo neither can they by any Provocations, or by any Succeſs of War, forfeit them to any other Princes: That while ſuch a Prince, or any legal Heir is living, no other Prince can have any right to his Throne, nor muſt his Subjects own and ſubmit to any other Prince as their Sovereign Lord.

As to Divine Right of Succeſſion.

Now as much as this Principle ſeems to flatter Princes, and to make their Thrones Eternal, I am apt to ſuſpect, that no Prince, who conſiders the juſt Conſequence of things, can think it ſo very meritorious; for it is a very dangerous Principle to weak and unfortunate Princes, and an intolerable Reſtraint upon the aſpiring and ambitious. It is dangerous to the unfortunate, becauſe it lays a Neceſſity upon the Conqueror to take away his Life, if he can, as well as his Throne, ſince he cannot loſe his Throne without loſing his Life, tho moſt Princes would rather chuſe to have them parted, than loſe both together. And how do they think King *Lewis* will like this Principle, which ſtands in the way of his Glory, and preaches Reſtitution to him of all thoſe Dominions, whoſe legal Heirs are living; which teaches the Subjects of other Princes to deny him Fealty and Obedience, and to conſpire with their legal Princes againſt him? I doubt not but he likes the Principle as little as he would like the Practice; and that our Nonſwearers would quickly underſtand, were they the Subjects of his new Conqueſts, which God grant *England* may never be.

The Principle does no good.

Indeed, how great a Complement ſoever this Principle may be thought to Princes, it can have no Merit, becauſe, tho it may in ſome Junctures do them hurt, it never did, and never can do them any Service. It never yet hindred a Revolution, and never can make one; and the Reaſon is plain, becauſe no Princes, and very few Subjects, do believe it, and practiſe upon it. If a Prince have a juſt Cauſe of War againſt another Prince, he makes no ſcruple, if he conquers, to take his Crown; and the Subjects of ſuch a conquer'd Prince make no ſcruple of Conſcience to ſubmit to the Conqueror; tho ſometimes a perſonal Kindneſs for a juſt and indulgent Prince, and a Concernment for their own Liberties and Fortunes, may make them uneaſy under it, and glad of the firſt Opportunity to do themſelves and their Prince Right.

The Truth is, Princes have no reaſon to like this Principle: for, were it true, they could have no Remedies againſt the Injuries of Neighbour Princes; they might indeed fight and conquer, but they had better let it alone, if they muſt not take the Throne which their Sword has won; for it is only the Fear of Conqueſt, and loſing their Crowns, when they are conquer'd, that can keep Princes in Awe, and bring them to juſt and equal Terms: and if no Prince muſt loſe his Crown, becauſe no Prince muſt take it, it will be impoſſible to beat an injurious and obſtinate Prince into good Terms; and, I believe, Princes will as ſoon be perſuaded, that it is unlawful to make War, as that it is unlawful to ſeize a conquer'd Crown, and will think one as meritorious a Principle as the other.

It makes Subjects Slaves.

And it is certain, Subjects have leſs reaſon to like this Principle, becauſe it makes them Slaves and Sacrifices even to the Misfortunes of their Prince. A Prince, when he is conquer'd, or ſees he muſt be conquer'd, may eſcape by Flight, but a whole Nation cannot; and if they could, have no reaſon to leave their Country, and their Fortunes behind them: And yet, according to this Principle, they muſt not ſubmit nor ſwear Allegiance to the Conqueror, while the Prince who has forſaken them lives, tho they cannot ſecure their Lives and Fortunes without it. But Nature and common Senſe are too powerful for the Sophiſtry of ſuch Principles; and thoſe who cannot reaſon, can feel what they have to do in ſuch Caſes. The loyaleſt Subjects, when no perſonal Obligations, or ſecret Intereſts determine them otherwiſe, will ſave themſelves by Submiſſion, when they cannot defend their Prince by their Arms; and

do

do not think they do ill in it: And I ſuppoſe Princes do not think ſo neither, becauſe they expect the ſame from the Subjects of other Princes in the like Circumſtances; and ſuch an univerſal Conſent both of Princes and Subjects, when there is no Law of God or Nature againſt it, makes it a ſtanding Law in all Revolutions, which both Princes and Subjects muſt ſubmit to. So that this Principle, were it ever ſo true, can do no Service, and therefore can have no Merit in this World, becauſe there are ſo few that believe it, that they are not hands enough either to keep a Prince on his Throne, or to reſtore him to it. All our Nonſwearers could not hinder the late Revolution, nor can they make another: They are enow to make a noiſe, eſpecially if the loud and zealous Ladies of that Side be reckon'd in; but other Hands and other Pretences muſt do their Work, if ever they hope to ſee it done; and then no Thanks to their Principles for it. Whatever Reward their future Services may deſerve, Princes themſelves will not think that their Principles deſerve any.

Non-ſwearers unſerviceable to King J.

The Merit of their Actions conſider'd.

Let us then now conſider the Merit of their Actions, and what Opinion the late King is like to have of that, if he ſhould return.

I ſuppoſe, they will be contented he ſhould forget their Merits towards him while he was on the Throne, eſpecially about reading his Declaration; as likewiſe their *Tower* and their *Weſtminſter-Hall* Merits, which were indeed very great, and did deſerve and would have had a better Reward from a better Hand, had they not render'd themſelves incapable of it. But ſure they don't expect the late K. ſhould reward them for ſuch Services. He knew this rais'd that general diſcontent, which occaſion'd that general Revolt, which coſt him three Crowns. And if all their Merits can expiate this Guilt, they come off well; and thoſe had need be very extraordinary Merits, which have firſt ſo great a Guilt to expiate, before they can pretend to merit. Could their Nonſwearing reſtore him to his Throne again, it would but juſt undo what they had done, which is no more than their Duty, and therefore cannot merit, no not ſo much as a Pardon, tho it may make them capable of it, if they fall into merciful Hands. But ſtill there are four Years exile, and the loſs of three Crowns, and the Expence of ſo much Blood and Treaſure; the Diſhonor of ſo many Defeats, and the Ruin of *Ireland* to be accounted for: And how can they make Reſtitution for all this? Which yet they muſt do before they can lay claim to Merit?

Let all this then be forgot, for it is their Intereſt it ſhould; but they are very ſanguine Men, if they hope it will. Whence then will they date their Merits?

The Nonſwearers Behaviour to K. J. before the Revolution.

When it was certainly known, that the Prince of *Orange*, now our gracious Sovereign, was ready to land, they ſeem'd as well pleas'd with it as other Men; and refus'd, when they were preſs'd to it by the late King, to declare their Abhorrence of it; but, inſtead of that, took upon them to give him Advice, and to publiſh it when they had done: In which Advice they recommended almoſt every Particular of the Prince's Declaration, complain'd of the ſame Abuſes, and advis'd the calling of a Parliament to redreſs them; as if the Prince's Declaration, and their Advice had been drawn by the ſame Pen, and the Advice had been publiſh'd on purpoſe to ſecond the Declaration. This, I ſuppoſe, they will not reckon among their Merits neither: And if they can excuſe what was ſo haſtily done at *Guild-Hall*, before the late King was gone out of the Land, they may very well be contented no more ſhould be ſaid of that.

Their Merit in refuſing to take the Oaths.

The only Merit then they have to pretend, is their refuſing the Oath of Allegiance to King *William* and Queen *Mary*, and forfeiting their Eccleſiaſtical, Civil, or Military Preferments for it. But what is this to the late King? Is this done out of Kindneſs to him or his Government? Would they not have been contented to have liv'd peaceably and quietly, as they themſelves profeſs'd, could they have kept their Preferments, and have been excus'd from the new Oaths? And how do they merit of him, by refuſing the Oaths with the loſs of their Preferments, if they did it not for his ſake, but for another and better Reaſon, for fear of being damn'd? God may reward this, but King *James* is not beholden to them. Will they be better Subjects hereafter? Will they read his Declaration, when he returns? Will they make his Will their Law? Will they ſubmit to his next Eccleſiaſtical Commiſſion, and give up their Colleges and Churches to Prieſts and Jeſuits? Will they be content to take him the very ſame Man that he went away, and to *ſerve him in his own way?* Will they no more fill the Nation with the noiſe and fears of Popery and arbitrary Power? Will they turn Papiſts themſelves, or ſtand by patiently, and give leave to his Prieſts to pervert Proteſtants as faſt as they can? Will they promiſe to demean them-

themſelves with more reſpect towards the King's Religion, and to leave off their old Saucineſs of printing and preaching againſt Popery? This indeed would bid fair for Merit, but if they oppoſe his Methods of Government, and his glorious Deſigns, as much as they do King *William*'s Right; if it be only a Title they boggle at, if this be all that makes them uneaſy at the Change, their not Swearing does him no Service: He could have kept his Kingdoms upon theſe Terms before, but he ſcorn'd it, and ſo he will thoſe who, to ſalve their Conſciences or their Honours, and to recover their Preferments, would have him upon theſe terms again.

Steddineſs to Principles conſider'd.

As much as ſome Men glory in their Steddineſs to Principles, which is certainly a very honourable thing, and an excellent degree of Virtue, when the Principles are plain and certain; yet few Princes (to be ſure, not the late King) like ſuch a Steddineſs to Principles, as oppoſes their Deſigns: a ſtubborn, inflexible Conſcience, is a very unruly thing, and Kings do not like ſuch Subjects as dare oppoſe a King upon the Throne, whatever the Cauſe be. So that I ſuſpect, their very Boldneſs and Reſolution in oppoſing their preſent Majeſties upon a mere point of Law, will be thought no Virtue fit to be rewarded by a Prince, who would make his Will ſuperiour to all Laws.

And if the Merit of the Non-ſwearers is likely to vaniſh into nothing, eſpecially when there is no occaſion any longer to court and flatter them, and Prieſts and Jeſuits have free liberty to comment on their Merits; what Merit will thoſe Men have to plead, who were forward and zealous in the Revolution, have ſworn Allegiance to their preſent Majeſties, have ſerv'd them in their Armies and Navies at home and abroad? There is no doubt, but they ſhall have fair Promiſes and good Words at preſent, and ſhall be remembred hereafter, when there is occaſion.

Popiſh Kings cannot be juſt or kind to Proteſtant Subjects.

But ſuppoſe the Merits of the Non-ſwearing or For-ſwearing Clergy and Laity, who will help forwards another Revolution, ſhould be acknowledg'd to be very great; what probability is there, that the Church of *England* ſhould fare ever the better for it, when Popery and arbitrary Power ſtand in the way? Paſt Experience gives no great Encouragement to hope this. King *Lewis* was as much oblig'd to his Proteſtant Subjects of *France*, as it is poſſible for any King to be; for they ſet the Crown upon his Head; and how he has rewarded them, all the World rings of it. The late King was not much leſs beholden to the Church of *England*, when they ſo vigorouſly oppos'd the Bill of Excluſion; and how he alſo rewarded them, we all lately ſaw and felt. And ſhall Proteſtants after this, think of obliging ſuch Princes by their Merits? They underſtand better, that Merit is no Proteſtant Doctrine, and that there can be none out of the Church of *Rome*. And why ſhould any body expect that which cannot be? Nay, ſhould the late King return again, and be as much at the Devotion of his Non-ſwearing Friends, as they promiſe themſelves he will be; I very much doubt what the Church of *England* will gain by this. If we may gueſs at the Spirit of the Party by the bitter Zeal which inſpires all their Writings, I can expect nothing from them, but as fierce a Perſecution of the Church of *England*, as ever it ſuffer'd from Papiſts or Fanaticks, excepting *Smithfield* Fires, which poſſibly may be exchang'd for *Tyburn*. All who live in the Communion of the Church of *England*, as now eſtabliſh'd, are in their Account and conſtant Language, no better than Hereticks and Schiſmaticks, and perjur'd Apoſtates, much greater Crimes than the *Traditores* were guilty of, which was the only Pretence for the Donatiſt Schiſm and Perſecution. They ſeem to comfort themſelves under their preſent Sufferings, more with the ſweet Hopes of Revenge, than any great Expectations ons of future Rewards; that they ſhall live to ſee the ſwearing Biſhops and Prieſts, the Contempt of Princes and People: for if the * Archbiſhop of *York*, who is particularly nam'd, cannot eſcape them, I doubt they will make but very few Exceptions. And is not this a great Encouragement to any who have comply'd with the preſent Government, to help theſe Men to Power again? Muſt not the Nobility and Gentry expect their ſhare of Vengeance, as well as the Clergy? And is not the Church of *England* then in a hopeful State, which muſt be purg'd and reform'd into *Jacobite* Principles, and by a *Jacobite* Spirit?

The ſad Conſequences of another Revolution.

** Apol. for the new Separat.*

Theſe are all very ſenſible Proofs (as far as we can reaſon about ſuch Matters) how little good is to be expected from the Return of the late King with a *French* Power: He muſt return the ſame Man he went, and then Popery and arbitrary Power muſt return with him; nay, he muſt return much worſe than he went, becauſe he muſt return more a Vaſſal to *France*, which I ſuppoſe will not mend the Condition of *Engliſh* Subjects during his Reign.

Theſe

These things ought to be well consider'd: for if his Government was so uneasy before, and gave us such a frightful prospect, as made the Nation very willing to part with him, when he thought fit to leave them; it would seem very strange to by-standers, should they now grow fond of his return, when it is certain if he does return, and returns by the Methods now intended, Popery and arbitrary Power must be more triumphant than ever.

K. J. his Design was to reign arbitrarily, and to bring in Popery.

He wanted nothing but Power to make himself Absolute, and to make us all Papists, or Martyrs, or Refugees; and that he will now have: For if a *French* Power can conquer us, it will make him as absolute as the *French* King will let him be; or to speak properly, it will make him, tho not an absolute Prince, yet an absolute Viceroy, and Minister of *France*. He will administer an absolute Power and Government, under the Influence and Direction of *French* Counsels: And then we know what will become of the Liberties and Religion of *England*. And have we so long disdain'd the thoughts of Subjection to *France*? Has a *French* League been thought such a National Grievance? Has the pretence of a War with *France* been found such an excellent Expedient to get Mony of *English* Parliaments? Has the Expectation of it fir'd *English* Spirits, and upon occasion fill'd our Armies and Navies, without need of pressing or beat of Drum? Have we so detested the *French* Cruelties to Protestants? And shall we now so willingly stoop to the Yoke, and think it a great Favour that they will vouchsafe to conquer us? Let us never complain hereafter, that our Chains pinch and gaul us, when we our selves are ready with so much Joy and Thankfulness to put them on. And whatever some fancy, they will find it a very easy and natural thing for the late King, if he return by Force and Power, to make himself absolute by Law: Princes always gain new Powers by the ineffectual opposition of Subjects: If they lose their Crowns and recover them again, they receive them with an Addition of some brighter Jewels, and turn disputed Prerogatives into legal and undoubted Rights. Thus we know it was when King *Charles* 2*d* return'd from a long Exile, all the new Acts and Declarations were made in favour of the Crown, and Subjects bound to their good Behaviour, as fast as Laws could bind them; for in all such Revolutions, those who suffer'd with, or for their Prince, return with Zeal and Resentment, and take care in the first place to establish all such Prerogatives of the Crown, as were disputed before, and to grant such new Powers as they think are wanting. And others there are, always forward to make their Fortunes by complementing the returning Prince, and to expiate their former crimes by a forward and flaming Loyalty; and the rest are over-aw'd and frighted into a Compliance. Thus it is commonly seen, that between Zeal, and Flattery, and Fear, the King increases in Power, and the People forfeit their Liberties; and we must not expect that it should be otherwise now, should the late King return.

How he must be complemened when he returns.

The first Complement that must be made to him, is a *Jacobite* Parliament, and God knows what such a Parliament will do! Will they deny him a Toleration for Papists, the Repeal of the Test, the Forfeitures or Surrenders of Charters, and a new Regulation of Corporations? Will they dispute, nay, will they not declare his dispensing Power, and approve his Ecclesiastical Commissions? Will they make any scruple to declare the Legitimacy of the Prince of *Wales*, or to leave the manner of his Education to those who will certainly breed him up in Popery? Will they not take care for new *Jacobite* Tests to renounce and abhor all the several Hypotheses and Principles of Government, which have been urg'd to justify our Submission and Allegiance to their present Majesties? And when they have done this, how easy will it be for a downright *Popish Parliament*, which will be the next step that will be made, to do all the rest?

It is very evident what Advantages the Priests and Jesuits will have in such a Juncture to make Proselytes, while the People are in a fright, and grown giddy with such frequent Revolutions; and those, who in the late Reign were the great Advocates of the Protestant Cause, are disgrac'd at Court, threaten'd into silence, their Authority weaken'd, and their Persons reproach'd both by Papists and Jacobites. Numbers of Converts was their great want before, and the Press and the Pulpit their great hindrance; but *Jacobites* will by natural Instinct learn more Loyalty, and others will be taught it, as *Gideon* once taught the Men of *Succoth*, with Briars and Thorns. And there never was such an opportunity since the Reformation for a plentiful Harvest of Converts, as this would be like to prove. And who can bear the Thoughts of this, who has any Compassion for the Souls of Men, any Zeal for the Church of *England*, or any concern to preserve and propagate the true Faith and Worship of Christ to Posterity?

All

All this is upon a ſuppoſition of the late King's Return, which I declare to you I am not afraid of, tho it is fit to mind thoſe Men who are ſo fond of it, what they may reaſonably expect if he ſhould return; which poſſibly may abate their Zeal in this Cauſe, and that may prevent the Miſchiefs of an Attempt, for without a hopeful Conſpiracy in *England*, the *French* King is too wary to make ſuch an Attempt.

But if they have any Love to their Country, any pity left in them for the Lives and Fortunes of *Engliſh* Proteſtants, I beſeech them to conſider what the Calamities and Deſolations of a Civil War will be; for that it muſt end in, if there be an Invaſion from abroad, ſtrengthned with a powerful Conſpiracy at home. King *William*, as I ſaid before, will not deſert or abdicate; for I never heard of a Prince who had ventured ſo much to reſcue a Kingdom out of ſo great a Danger, that would ſo eaſily expoſe it again to the ſame, or a greater Danger: And ſurely the late King does not expect he ſhould, for he knows him too well. So that if they look for ſuch another Revolution, to turn King *William* out, as brought him in, they will in all probability be miſtaken. There are too many Perſons of Honour and Fortune engag'd in this Cauſe, who know the late King too well to take his Word; and were it poſſible to wheedle Men of Fortune and Senſe, the Genius and Spirit of the Nation is againſt them: And that which could make the late Revolution, will probably be able to prevent this.

Danger of coming to blows.

It muſt then come to Blows if an Attempt be made, and the fortune of one Battel may not decide it; and thoſe who are too young to remember the Deſolations which the late Civil Wars in *England* made, let them look into *Ireland*, and ſee to what a heap of Rubbiſh a flouriſhing and fruitful Country is reduc'd by being the Scene of a three years War.

Taxes great.

It is made a popular Pretence to raiſe Diſcontents, and to make People diſaffected to the preſent Government, that the Taxes for maintaining this War are grown ſo intolerable, and there is no proſpect of an end of them: Now I muſt confeſs, that the Taxes fall very heavy upon ſome, and am ſorry that the preſent poſture of our Affairs does require it, and that there can be no eaſier ways found to ſupply the plain and preſſing Neceſſities of the State: But we ought to conſider, that ſtill all this is infinitely eaſier than Popery and *French* Slavery, if we regard only our Eſtates. The annual Exactions of the Church of *Rome* (beſides all the cheating ways their Prieſts had to get Mony) while Popery was the Religion of *England*, us'd to be complain'd of as a National Grievance, and a heavier Tax upon the Subject than all the King's Revenues: And if thoſe who complain of our Taxes were but one Month in *France*, to ſee the Poverty and Miſery which the *French* Government has brought upon them, they would come home very well contented to pay Taxes, and to fight againſt the *French* too. We are free Subjects, not Slaves; we are taxed by our own Repreſentatives, who tax themſelves as well as us; and this not by the Arbitrary Will of the Prince. We pay for our own defence and preſervation, as all People ought to do; and while we do not pay near ſo much as our Religion, and Lives, and Liberties are worth, and have left wherewithal to maintain our ſelves, we have no ſuch great reaſon to complain.

But greater if we come under Popery.

But how heavy ſoever Taxes are, are they like a Civil War? like the dread and terrors of an Enemies Army, or of our own? Are they like having our Houſes filled with Soldiers, or which is worſe, burnt or plunder'd? Are they like loſing our Friends, our Fathers, Husbands or Children, by whoſe Kindneſs or Labours we ſubſiſted? In a word, Are they like the Spoils of Harveſt, or the Deſolation of a whole Country?

And can we be contented to ſee *England* again the Seat of War? It is certain in our preſent Circumſtances it cannot be made ſo, unleſs we our ſelves pleaſe. *France* has too many Enemies to think of conquering *England* without Factions at home; and were it not for them, we need not fear its united Force: and I hope conſidering Men, of what Perſuaſion ſoever they be, will not think it worth the while to ruin their Country by a Civil War, to purchaſe a *French* Slavery and Popery; two very dear things, could we purchaſe them ever ſo cheap.

The French *Conqueſt of* England *fatal to all* Europe.

What I have ſaid hitherto only concerns *England*; but it becomes us to look a little abroad and conſider, what a fatal Influence a *French* Conqueſt of *England* will have upon the Affairs of all *Europe*. That it is not mere Juſtice and Honour that makes the *French* King eſpouſe the Cauſe of the late King *James*, his Encroachments and Uſurpations on his Neighbours will witneſs. He has no Scruples of Conſcience about the Rights of other Princes, all he can get is his own: But *England* was for-

merly a Friend and Confederate, at leaſt not an Enemy; and now the Power of *England* (which the *French* have never had reaſon to deſpiſe) is in the Hands of a King who owes the *French* King a good turn, and will not, I hope, die in his debt. This checks his ambitious deſigns, gives Life and Spirit to the Confederacy, threatens to make him reſtore what he has taken, and what he keeps by mere Force and Violence, and to reduce him within his antient Bounds, and to the antient Conſtitution of the *French* Government; and he knows while King *William* poſſeſſes the *Engliſh* Throne, and keeps up the Confederacy, he muſt not expect to get much more, and may be in conſtant danger of loſing what he has gotten.

This makes the *French* King ſo concern'd to reſtore the late King *James* to the Throne of *England*, to get rid of a formidable Enemy, and to ſtrengthen himſelf with the Alliance of a powerful Friend; for *England* will probably turn the Scales, on which Side ſoever it happens to be: And there is no doubt, but the Arms of *England* muſt be devoted to the Service of *France*, if a *French* Power ſhould place the late King in his Throne again; and let any *Engliſh* Proteſtant who can think coolly of things, conſider what a malignant Aſpect this would have upon the Liberties of *Europe*, and on the whole Proteſtant Intereſt.

The Power of France *and* England *conſider'd.*

The Arms or the Mony of *France*, has hitherto been an equal Match, at leaſt for all the Confederates; while he has found other Employment for the *Imperial* and *Engliſh* Forces: but Thanks be to God, the King of *England*, and the *Engliſh* Forces are now at leiſure to attend his Motions; thoſe Forces which beat him at the *Boyne*, at *Athlone*, at *Agrim*, at *Lymerick*, in a word, which beat him out of *Ireland*, and have now got a habit of beating the *French*. And it is no wonder that he is not fond of ſuch company in *Flanders*, but endeavours to find ſome new Work for them at home. And if he can but ſend them home again, and embroil us in a civil War, that is one great point gain'd: but if he proves ſucceſsful in his Attempt, he makes *England* his own, and will turn their Arms upon the Confederates; and what can then ſtand in his way? What ſhould hinder him from being the ſole and abſolute Monarch of the *Weſt?* And then it is eaſy to read the Fate of Proteſtants.

Thus, *Sir*, I have freely told you, what I apprehend will be the neceſſary and unavoidable effects of a *French* Conqueſt. I pretend not to Prophecy, nor to Demonſtration in ſuch Caſes; but what I have ſaid, has all the Appearances of Probability, all the degrees of moral Certainty that any thing of this nature can have; and that is the only Rule in theſe Matters by which wiſe men are to judg and act.

And this has prepar'd a plain and eaſy Anſwer to your ſecond Queſtion, What *Engliſh* Subjects are bound in Conſcience to do, in caſe the late King ſhould land in *England* with *French* Forces to demand his Crown?

Now there are two ſorts of Perſons concern'd in this Queſtion: 1. Thoſe who have not ſworn Allegiance to King *William* and Queen *Mary*, but account the late King *James* as much their King, as he was when he ſat upon the Throne; and that their Obligations to him are the ſame now that ever they were. 2. Thoſe who have ſworn Allegiance to King *William* and Queen *Mary*. And there are two parts of this Queſtion: 1. Whether they are bound in conſcience to aſſiſt the late King, if he return? 2. Whether it be lawful for them to oppoſe him, and fight againſt him?

As for the firſt part of this Queſtion, and as far as it concerns the Non-ſwearers, I ſhall ask them two or three Queſtions, and leave them to anſwer them themſelves.

The Non-ſwearers are not oblig'd to fight for K. J. and Popery.

1. The *firſt* Queſtion is, Whether they can think themſelves bound in conſcience, upon any pretence whatever, to fight for Popery againſt the Proteſtant Faith and Worſhip; that is (as they muſt confeſs, if they are Proteſtants) to fight for Hereſy and Idolatry againſt the true Faith and Worſhip of Chriſt; or to fight for Antichriſt, and againſt Chriſt? Can any Conſideration make this lawful? If nothing can (as I will venture to take it for granted, that nothing can) then whatever Duty they may fancy they ſtill owe to their abdicated Prince, it cannot be their Duty to fight for him, when they cannot fight for him, without fighting againſt Chriſt and his Religion. Tho they muſt not fight againſt their Prince for Chriſt, becauſe Chriſt in ſuch caſes requires his Diſciples to ſuffer, not to fight for him; yet it does not follow, that they muſt fight for their Prince againſt Chriſt, to bring a Perſecution upon his Faithful Diſciples, and to contribute what they can to extirpate the Name and the Religion of Proteſtants out of *Europe*.

Do they think themſelves bound in Conſcience to fight for their Prince, againſt the Laws and Liberties of their Country, as well as againſt the Faith and Worſhip of Chriſt? Let the Rights of Princes be ever ſo ſacred, have the

the reſt of Mankind no Rights, but only Princes? Is there no ſuch thing as Juſtice due to our ſelves, nor to our Fellow-Subjects? Have the Free-born Subjects of *England*, no natural, no legal Rights? And is there any Law of God or Man, to fight for our Prince, againſt the Laws and Liberties of our Country, which are the Meaſures and Boundaries of that Duty which we owe to Princes? that is, to fight for our Prince, againſt the Rule of our Duty and Obedience to Princes; when our Prince, and the Laws and Liberties of our Country are on contrary ſides: tho we ſhould grant them (according to their own Principles) that we muſt not fight againſt our Prince for our Laws and Liberties, yet no more muſt we fight for our Prince againſt our Laws and Liberties: It is abundantly enough, to be Paſſive in ſuch caſes; but a Nation which fights againſt its own Laws and Liberties, is *Felo de ſe*, guilty of the worſt kind of Self-Murder. Can any *Engliſh-Man*, whatever opinion he has of the late King's Right, think himſelf bound in conſcience to maintain his Right, by giving up his Country to *France?* to make him King, and all his Subjects *French* Slaves? For can any Prince have more Right to be King of *England*, than the Kingdom of *England* has to be *England?*

Not oblig'd to fight againſt the Liberties of their Country.

Is it not an unaccountable Tenderneſs and Scrupuloſity of Conſcience, to be ſo concern'd for any one Prince's Right, as to ſacrifice the Rights and Liberties of all the Princes in *Europe* to his? To ſet him upon the Throne, to drive all other Princes from theirs? We are Citizens of the World, as well as Subjects of *England*, and have our Obligations to Mankind, and to other Princes, as well as to our own: and tho our Obligation to no one other Prince is ſo great as to our own, yet the publick good of Mankind, or of a great part of the World, is a more ſacred Obligation than the particular Intereſt of our own Prince or Country; much leſs then can the Right of any particular Prince, be it what it will, ſtand in competition with the Rights and Liberties of our own Country, and of all *Europe* beſides.

The Abſurdity of the Jacobites *Principles.*

It is to no more purpoſe to diſpute with Men who do not feel the Force of this Argument at the firſt hearing, than to reaſon with blind Men about Colours; they have no Senſe left, nothing but a ſtupid and ſlaviſh Loyalty; all things, tho ever ſo ſacred, muſt give place to this: the Care of Religion, the Love of their Country, their Juſtice and Charity to all Mankind, muſt vail to their ſenſeleſs Miſtake of the true meaning of this Word Loyalty; by which they will needs underſtand an abſolute Obedience, without Limitation or Reſerve; when moſt certainly, it ſignifies no more than Obedience according to Law.

2. I would ask them, What they would think themſelves bound to do in ſuch caſes, were the late King upon the Throne again? Unleſs they have chang'd their Minds (and then they are not ſo ſteddy to Principles, as they pretended to be) we may very reaſonably gueſs what they would do, by what they did while he was upon the Throne. It is certain they ſo much diſlik'd his open Deſigns of Popery and arbitrary Power, that they oppos'd him as far as they durſt, and would not fight for him to keep him on the Throne: nay, by their Examples and Counſels, they had ſo influenc'd the Army, that they would not fight for him neither; and ſo poſſeſs'd the Country, that the Nobility and Gentry took Arms, and declar'd for the Prince of *Orange*, which they thought they might very well do, when the Biſhops would not declare againſt him. This was then thought conſiſtent enough with the *High-Tory-Loyalty*; and yet if they were not then bound to fight for him to keep him on his Throne, I am at a great loſs to know, how it comes to be their Duty now to fight for him to reſtore him to it: He was certainly their King then, and yet they would not fight for him, no not to defend his Perſon, Crown and Dignity. And tho they call him their King ſtill, it is certain he is not King of *England*, whatever right they may think he has to be ſo; and therefore to fight for him now, is not to fight for the King, but to fight to make him King again. But to let that paſs, ſuppoſe him to be their King, ſince they will have him ſo, how do they come to be more oblig'd to fight for him now he is out of the Throne, than they were to fight for him while he was in it? If they think it their Duty to fight for their King againſt the Religion, the Laws, and the Liberties of their Country, it was their Duty to have fought for him then; if they do not think this, it cannot be their Duty to fight for him now.

Queſtions put to them.

But they did not expect what follow'd; they deſir'd to have their Laws and Liberties ſecur'd, but not that he ſhould loſe his Crown: I believe very few did then expect what follow'd, no more than they do now conſider what will follow: But ſince he would leave his Crown, Who could help it? For no body took it from him.

Q. if the Jacobites are oblig'd to assist K. J. in setting up Popery and arbitrary Power.

3. Let me then ask them another Question: Whether they would think themselves bound in Conscience to fight for him, did they verily believe, that if he recover'd his Throne, he would as zealously promote Popery and arbitrary Power, as he did before? If they say they would not, they have been at their *non putaram* once already; a second oversight in the same kind, would be worse than the first. If they say they would, I give them over, as profess'd Enemies to the true Religion, and the Liberties of Mankind.

This I hope may satisfy the Non-Swearers, if they will coolly and seriously consider it, that they are not bound in conscience to fight for the late King; nay, that they are as much bound in conscience not to fight for him, as they are bound not to fight against the Protestant Religion, and civil Liberties, not only of *England*, but of all *Europe*.

The Obligations of such as have taken the Oaths to K. W. and Q. Mary.

2. As for those who have sworn Allegiance to King *William* and Queen *Mary*; besides all the former Considerations, they are under the Obligations of an Oath, not to fight against their present Majesties, whose sworn Subjects and Liegemen they are. For let them expound Faith and true Allegiance, to as low a sense as possibly they can, the least that they ever could make of it, is to live quietly and peaceably under their Government; not to attempt any thing against their Persons or Crowns, not to hold any Correspondence with, nor to give any Assistance to their Enemies: and therefore to countenance a *French* Invasion, or to assist the late King in recovering the Throne, which their Majesties so well fill, and which they have sworn not to dispossess them of, must be downright Perjury. If they be sure that their Oaths to the late King still oblige them, that indeed would make void the Obligation of this second Oath; but then they must be guilty of Perjury in taking it, and by the breaking of it will declare to all the World, that they deliberately and wilfully perjur'd themselves when they took it: and let them remember this, when they take Arms against their Majesties, and let them expect that Recompence which they deserve.

Those who took this, only as a temporary Oath, which oblig'd them no longer than till the late King should return into *England* again to demand his Crown, are guilty of Perjury, if they keep it no longer than till they have a promising opportunity to break it: For this is to mock God, and to deceive the Government by their Oaths. For no Man can think that the meaning of the Oath was no more but this, *I do promise and swear to bear Faith and true Allegiance to King* William *and Queen* Mary, *till I have Power and Opportunity by the return of King* James *with a* French *Army, to join his Forces, and to assist him to recover his Throne.* Those who will take and keep Oaths at this rate, we must leave to God: But nothing is more plain and certain, than that the new Oath of Allegiance obliges all, who have taken it, under the guilt of Perjury, at least not to fight for the late King against King *William* and Queen *Mary*.

And here I may very fairly conclude, without entring into a longer dispute about the lawfulness of fighting against a foreign Army, tho the late King were at the Head of it: for were those, who scruple this, satisfy'd that they ought not to fight for him, their present Majesties have Friends enow, who are very well satisfy'd to fight against him; especially bringing along with him the greatest Enemies both to the Protestant Religion, and to the civil Liberties, not only of the *English* Nation, but of all the Kingdoms and States of *Europe*, *France* it self not excepted.

However, this Letter is large enough already, and if I find you desire farther Satisfaction in this Matter, especially about the late King *James*'s Declaration, which is lately come to my Hands, you may expect a speedy account of it in a second Letter from

Sir, Yours.

A ſecond LETTER *to a Friend, concerning a* French Invaſion.

Printed in 1692.

In which the Declaration lately diſpers'd under the Title of, His Majeſty's moſt gracious Declaration to all his loving Subjects, commanding their Aſſiſtance againſt the Prince of *Orange* and his Adherents, *Is entirely and exactly publiſh'd, according to the diſpers'd Copies; with ſome ſhort Obſervations upon it.*

SIR,

HAVING in the Concluſion of my Letter promis'd you, if you deſir'd it, to give you an Account of the late King *James*'s Declaration, I will make no Excuſes, but like a ſincere Proteſtant, will keep my Word with you.

This Declaration has been induſtriouſly ſcatter'd about both in *French* and *Engliſh*, by the Enemies of the preſent Government. Now to ſave them any farther Trouble of this kind, and that the World may ſee, we dare venture it, with all the Charms that are by ſome thought to be in it, among the People of *England*, I have thought it the faireſt way to print the whole *verbatim*, Paragraph by Paragraph, with ſome ſhort Obſervations upon it; and only deſire you to remember, That my principal Deſign in it, is to ſtrengthen the Arguments of my former Letter, and to make it appear from this very Declaration, how little reaſon *Engliſh* Proteſtants have to promiſe themſelves, that the late King will be kinder to them, than he was before, ſhould he now return with a *French* Power.

DECLARATION.

WHEREAS the moſt Chriſtian King, in purſuance of the many obliging Promiſes he has made us, of giving us his effectual Aſſiſtance for the recovering of our Kingdoms, as ſoon as the Condition of his Affairs would permit, has put us in a way of endeavouring it at this time; and in order to it, has lent us ſo many of his Troops, as may be abundantly ſufficient to unty the Hands of our Subjects, and make it ſafe for them to return to their Duty, and repair to our Standard; and has notwithſtanding for the preſent, according to our Deſire (unleſs there ſhould appear further Neceſſity for it) purpoſely declin'd ſending over Forces ſo numerous, as might raiſe any Jealouſy in the Minds of our good Subjects, of his intending to take the Work wholly out of their Hands, or deprive any true Engliſhman *of the part he may hope to have in ſo glorious an Action, as is that of reſtoring his lawful King, and his antient Government (all which Foreign Troops, as ſoon as we ſhall be fully ſettl'd in the quiet and peaceable Poſſeſſion of our Kingdoms, we do hereby promiſe to ſend back, and in the mean time to keep them in ſuch exact Order and Diſcipline, that none of our Subjects ſhall receive the leaſt Injury in their Perſons or Poſſeſſions, by any Soldier or Officer whatſoever) Tho an Affair of this nature ſpeaks for it ſelf, nor do we think our ſelves at all oblig'd to ſay any thing more upon this occaſion, than that we come to aſſert our juſt Rights, and to deliver our People from the Oppreſſion they lie under; yet when we conſider how miſerably many of our Subjects were cheated into the late Revolution by the Art of ill men, and particularly by the Prince of* Orange's *Declaration, which was taken upon truſt, and eaſily be-*

liev'd

liev'd then, but ſince appears notoriouſly falſe in all the parts of it, conſiſting no leſs of Aſſertions that have been evidently diſprov'd, than of Promiſes that were never intended to be perform'd. To prevent the like Deluſions for the time to come, and to do as much as lies in our Power, to open the Eyes of all our Subjects, we are willing to lay the whole Matter before them in as plain and ſhort a manner as is poſſible, that they may not again pretend Miſtakes, or have Ignorance to plead for any falſe ſteps they ſhall hereafter make towards the Ruin of their own, and their Country's Happineſs. ——

OBSERVATIONS.

The Fr. *K's Promiſes to K.* J. *to reſtore him.*

It begins with a thing very ſurprizing and memorable, That the *French* King hath once in his Life made good his Word, and kept his Faith; for ſo the late King *James* tells us he hath done with him, *in purſuance of the many obliging Promiſes he had made him, of giving him effectual Aſſiſtance for the Recovery of his Kingdoms*, &c. Effectual Aſſiſtance is a big Word, and more than the greateſt and moſt puiſſant King is able always to make good. However I am glad to ſee they begin to endeavour to perform their Promiſes to one another: It is a good quality, and it is to be hop'd they may in time extend it further. But this ſatisfies me, that the *French* King thinks it his Intereſt to reſtore the late King *James*; for he was never known to keep his Promiſe againſt his Intereſt; and it is ſomewhat ſurprizing, that the *French* King, and *Engliſh* Proteſtants, ſhould have the ſame Intereſt.

Why not more Fr. *Forces ſent.*

He ſeems ſenſible, that *French* Troops would not be very welcome in *England*; and therefore to qualify this Matter, he ſays, That the *French* King *at his deſire, has purpoſely declin'd ſending over Forces ſo numerous, as might raiſe any Jealouſy* of a *French* Conqueſt; for that is the plain *Engliſh* of it, that they ſhall be kept under exact Diſcipline while they are here, and that he will ſend them home again, when *he is fully ſettl'd in the quiet and peaceable Poſſeſſion of his Kingdoms.* But I thank God with all my Heart, that there is no danger now of theſe *French* Troops coming into *England*; which is a much greater Security to us, than both theſe Kings Promiſes for their good Behaviour here, or for their Return home again. It is certain, that one of them could not keep his Word, if he would; and it is as certain, that the other would not, as it is that it would not be his Intereſt to do it; for there is not the ſame Reaſon for the *French* King to keep his Promiſe of ſending Troops into *England*, and to keep his Promiſe of ſending no more than the late King wants, or of calling them home again when he wants them no longer. But before I proceed to more particular Obſervations, it will not be amiſs (and the Concluſion of this Paragraph requires it) briefly to conſider what is not in the Declaration, which the People of *England* had all the Reaſon in the World to have expected in it.

Now I can find but very little in it, I might with great Truth ſay, nothing, which a reaſonable Man who remembers the late Reign, eſpecially the Concluſion of it, would have expected in ſuch a Declaration.

K. J. *promiſes no Satisfaction.*

If the Deſign of ſuch a Declaration be to give Satisfaction to the Minds of his Subjects, it ought at leaſt to have contain'd as good Words, and fair Promiſes, as a Prince could give: He knew very well, what it was that had alienated his Subjects from him; that they apprehended their Laws, their Religion, and their Liberties, to be in great danger; and could not but know, that he had given them too juſt occaſion for ſuch Jealouſies and Fears: and it is wonderful, that he ſhould think of publiſhing a Declaration, and not think fit to give the leaſt Satisfaction about theſe Matters; not to ſay one word about Popery and arbitrary Power, nor to give any expreſs promiſe, that he would remove theſe Fears.

Pleads only the Juſtice of his Cauſe.

The only thing he appeals to, is the Juſtice of his Cauſe; and does not think himſelf *oblig'd to ſay any thing more upon this occaſion, than that he comes to aſſert his own juſt Rights*, &c. But this was not the Controverſy between him and his People; they did not diſpute then his Right to the Crown (tho they have ſome Reaſon to do it now) and yet were willing to part with him, when he thought fit to leave them; and if he knew what made them ſo, and hop'd to return again by their Aſſiſtance, and with their good-liking, any one but thoſe of his own Council would have thought him oblig'd to ſay ſomething of it.

K. J. *his ill Government ſet out.*

The P. of *O*'s Declaration put him in mind of this, which he ſays *cheated his Subjects into the late Revolution*; and it had been much more to the purpoſe to have diſcover'd the Cheat of that Declaration, or to have ſaid nothing of it, than to affirm without any proof, that now *it appears to be notoriouſly falſe in all the parts of it*; for *Engliſh* Proteſtants know nothing to this day but that it is all true ſtill. Were there not in the late Reign open and bold Attempts made againſt the Laws, the Liberties, and the Reli-

gion

gion of theſe Kingdoms? Was not the diſpenſing Power ſet on foot for thoſe Purpoſes? Were not the Judges tamper'd with, to obtain a Sentence in favour of the diſpenſing Power, and plac'd and diſplac'd, till they could find fit Tools for that Work; Men who would ſacrifice the Laws and Religion of their Country to the Will of their Prince, or to their own Covetouſneſs and Ambition? Were not the Oaths of Allegiance and Supremacy, and the Teſt, diſpens'd with upon this Pretence, and Men unqualify'd by Law, put into Eccleſiaſtical, Civil, and Military Preferments, to the apparent Danger both of Church and State? Was there no Eccleſiaſtical Commiſſion ſet up, no Popiſh Chappels, Monaſteries and Convents erected and endow'd contrary to Law? Were not the Nobility and Gentry cloſeted and examin'd about the Repeal of the Teſt, and thoſe diſgrac'd and turn'd out of all Offices and Employments, who would not comply? Were not the Biſhops ſent to the Tower, and try'd in *Weſtminſter-Hall*, for their humble Petition to him againſt reading the Declaration? Was not the Adminiſtration of Juſtice, and the greateſt Military Truſts put into the Hands of Papiſts? Were not the Charters of Cities, Towns, and Corporations ſeiz'd into the King's Hands, and ſo new model'd, that the King might chuſe what Burgeſſes he pleas'd, and have a Houſe of Commons of his own Creatures? Were there not viſible Grounds of Suſpicion concerning the Birth of the pretended Prince of *Wales*? And has there been ſufficient Satisfaction given the Nation about it to this day? Theſe are the Grievances complain'd of in the Prince's Declaration, which were believ'd then, not upon the Authority of the Declaration, but becauſe they were ſeen and felt; and are believ'd ſtill, becauſe they are ſtill remembred by thoſe who ſaw and felt them: and how they have ſince been evidently diſprov'd, I cannot gueſs. But if ſuch things as theſe are not thought fit to be own'd as Miſtakes in Government; if it was not thought fit to promiſe the Redreſs of any one of them, no not in his Declaration, whereby he commands and invites his Subjects to aſſiſt him in recovering his Kingdoms; I can eaſily gueſs, that they will not be thought Faults, much leſs be redreſs'd if he ſhould return: They muſt be his very loving Subjects indeed, that can be thus impos'd upon.

DECLARATION.

And therefore, to take the Matter from the beginning, it cannot be forgotten, that as ſoon as we had certain Notice of the Prince of Orange's *unnatural Deſign of invading our Kingdoms, with the whole Power of the* United Provinces, *we firſt took the beſt care we could to provide for our Defence; which we ſeem'd effectually to have done, when we had put our Fleet and Army into ſuch a Condition, that tho his moſt Chriſtian Majeſty, who well ſaw the bottom of the Deſign againſt us, againſt himſelf, and indeed againſt the Peace of* Europe, *offer'd us conſiderable Succours both by Land and Sea; we did not think it at all neceſſary to accept them at that time, as reſolving to caſt our ſelves wholly (next to the divine Protection) upon the Courage and Fidelity of our* Engliſh *Army, which had been with ſo much Care and Tenderneſs form'd and oblig'd by us. And having thus prepar'd to oppoſe Force to Force; we did, in the next place, apply our ſelves to give all reaſonable Satisfaction to the Minds of our good Subjects, by endeavouring to undeceive them, and to let them ſee betimes, and whilſt the Miſchief might eaſily have been prevented, how fatal a Ruin they muſt bring upon their Country, if they ſuffer'd themſelves to be ſeduc'd by the vain Pretences of the Prince of* Orange's *Invaſion. However, ſo great was the Infatuation of that time, that we were not believ'd till it was too late. But when he was oblig'd to throw off the Mask by degrees, and that it began to appear plainly that it was not the Reformation of the Government (which yet was a Matter that did not at all belong to him to meddle with) but the Subverſion of it, that he aim'd at, that ſo he might build his own ambitious Deſigns upon the Ruins of the* Engliſh *Nation; and when the Poiſon had inſinuated it ſelf into the vital Parts of the Kingdom, when it had ſpread over our whole Army, and ſo far got into our Court and Family, as not only to corrupt ſome of our Servants that were neareſt our Perſon, and had been moſt highly oblig'd by us, but not even to leave our own Children at that time uninfected: When our Army daily deſerted on the one hand, and on the other hand Tumults and Diſorders encreas'd in all Parts of the Kingdom; and eſpecially, when ſhortly after the Revolution came on ſo faſt, that we found our ſelves wholly in our Enemies Power, being at firſt confin'd by them in our own Palace, and afterwards rudely forc'd out of it under a Guard of Foreigners; we could not then but be admoniſh'd, by the Fate of ſome of our Predeceſſors in the like Circumſtances, of the danger we were in, and that it was high time to provide for the Security of our Perſon (which was happily effected by our getting from the Guard that was ſet upon us at* Rocheſter, *and our Arrival in* France, *the only Part in* Europe

Europe *to which we could retire with ſafety) that ſo we might preſerve our ſelves for better times, and for a more happy Opportunity; ſuch as is that, which, by the Bleſſing of God, is at preſent put into our Hands.*

OBSERVATIONS.

K. J. intends to give no Satisfaction about the Grievances of his Reign.

To begin with the certain notice of the Prince of *Orange*'s Deſign, is not to take the Matter from the Beginning. Had he intended to give any Satisfaction to *Engliſh* Subjects, he ſhould have begun, where their Complaints and Grievances, occaſion'd by his arbitrary and illegal Government, began; that is, where the Prince's Deſign, and his own Abdication began. That he took the beſt Care he could for his own Defence, no Man queſtions; and had he taken leſs, it would not have been taken ill by the Nation. That his Chriſtian Majeſty ſaw this Deſign was againſt himſelf, long before the late King was ſenſible of it, appears from the Memorial printed at the *Hague*, 9 *Septemb.* 1688. by *Monſieur de Conte d' Avaux*, the *French* King's Ambaſſador: But when he ſays 'twas againſt the Peace of *Europe*, I confeſs, I know not how to underſtand it, unleſs by the Peace of *Europe* his moſt Chriſtian Majeſty mean an univerſal Deſolation, which he was making as faſt as he could. For this cannot be deny'd to be a moſt certain and effectual way of ſettling a Country in Peace, to lay it waſte, and to deſtroy and drive out the Inhabitants. To prevent which indeed, was the bottom of this Deſign; and the moſt effectual way to do it, was to divide *England* from the Intereſt of *France*.

K. J. offered Fr. *Aſſiſtance.*

That the *French* King, to prevent this, did offer King *James* the Aſſiſtance of his Forces, is very probable from the ſame Memorial, which threatens the *Dutch* with it; and how this Aſſiſtance came to be refus'd, we learn from my Lord *Sunderland*'s Letter, printed in the Hiſtory of the Deſertion, which, with ſome other Counſels (that thwarted the Popiſh Deſigns) coſt him his Religion, and ſoon after the Favour of his Prince, and his Preferments at Court.

K. J. his Love to an Iriſh *Popiſh Army.*

That he had no ſuch great Confidence in the Fidelity of his *Engliſh* Army, was too evident in the daily Reformations he made in it; exchanging Proteſtants for Papiſts, and *Engliſh-Men* for *Iriſh*; which occaſion'd that memorable Accident at *Portſmouth*, which gave ſuch a general diſguſt to the Army, in a very lucky Seaſon, as greatly diſpos'd them either to go over to the Prince, or at leaſt not to fight againſt him.

That he did many things in the time of his Diſtreſs to ſweeten his Subjects, is true; but he was much miſtaken if he thought this ſufficient to give reaſonable Satisfaction. He undid many things, which he had illegally done; but he did this ſo late, and it was ſo apparently a Matter of Force, owing to the change of his Fortune, not of his Inclinations, and then too done with ſo ill a Grace, that I could obſerve no body that was then ſatisfy'd with it.

K. J. owns no Illegality in what he did amiſs.

He reſtor'd the Charter of *London*, and of other Cities and Corporations; he diſſolv'd the Eccleſiaſtical Commiſſion, reſtor'd *Magdalen College*, but never own'd the Illegality of theſe Proceedings; would never renounce his diſpenſing Power; would never be perſuaded by the moſt humble Petition, and earneſt Importunities of his Lords and Biſhops, to call a free Parliament, and to refer the Redreſs of all Grievances to them, till he ſeems to have form'd a Deſign of leaving *England*: and then his iſſuing out of Writs, which he reſolv'd ſhould never be executed, could do him no hurt, and would have a good Appearance, as if he had been willing to have refer'd all to a Parliament, had not the growing Power of his Enemies made it more neceſſary for him to conſult the Safety of his own Perſon.

His Favors were extorted.

The Caſe of *Magdalen College* convinc'd all Men, that theſe were extorted Favors, and would laſt no longer, than it was ſafe to recal them.

King *James* had given his Orders to the Biſhop of *Wincheſter*, the Viſitor of that College, to recal Dr. *Hough*, and the former Fellows of that Society, and he accordingly went down to reinſtate them; but upon the News that the *Dutch* Fleet had ſuffer'd much in a Storm, and probably could not ſail till the next Spring, his Lordſhip had new Orders ſent to call him back; but that News proving falſe, he was permitted to return, and to purſue his firſt Orders: This, it ſeems, was all the reaſonable Satisfaction that could be given, what his Graces and Favours to Proteſtants were, and how long they would laſt.

Pr. of O. vindicated.

As for what concerns the Prince of *Orange*, now our gracious King, I know of no Mask he had on, nor that ever he threw off, or that he afterwards appear'd to be any other than his Declaration had repreſented him. He came not for the Crown, but to reform Abuſes, and to ſecure the Succeſſion, which the Right of his Princeſs, and

and his own Right and Intereſt, the Preſervation of the Proteſtant Religion, and of the Liberties of *Europe*, gave him Right and Authority to meddle with; but beſides his Expectation, and original Intention, he has the Crown which he came not for: he has deceiv'd no body in it; but if any one be deceiv'd, King *James*, and the People of *England* have deceiv'd him; the one in leaving his Crown, and the other in placing it on his Head, where indeed it ought to be, both in Right of his Princeſs, and for his own Merits; for he who ſaves a Nation, had he no other Claim or Title, may very well deſerve to wear the Crown, eſpecially when it was with the free Conſent of the Princeſs, our moſt gracious Queen, and upon the Deſire of the Eſtates of the Realm, and ſtill neceſſary to ſave the Nation.

K. J. endeavours to vindicate his Deſertion.

In the next place, He juſtifieth his leaving *England*, for *the Security of his Perſon, being wholly in the Enemies Power, and firſt confin'd by them in his own Palace, and afterwards rudely forc'd out of it under a Guard of Foreigners.* But if he had forgot it, others have not, that before this happen'd, he had privately withdrawn his Perſon, disbanded his Army, diſſolv'd his Government, flung his *Broad Seal* into the *Thames*, and had never had this pretence for his eſcape, had he not been ſtopp'd by a Miſtake, for no body intended to ſtay him; and all this while he was in Treaty with the Prince, and that upon ſuch equal Terms, that he could be under no juſt Apprehenſion of ill Uſage.

And his going into France.

He excuſes his going to *France*, becauſe it was the only part in *Europe* to which he could retire with Safety: which is a Confeſſion, that he alone was in the *French* Intereſt againſt all *Europe* beſides; and that he durſt not truſt his Cauſe with any other Princes in *Chriſtendom*; which argues either a great Jealouſy of his own Cauſe, or of their Juſtice and Honour, even to diſtreſs'd Princes. But I am ſure *France* was the only Place in *Europe* he ought to have avoided; and if he had no other place to go to, he ought to have ventur'd himſelf at home, or to have gone to *Rome*, which had been a kind of ſecond Home, unleſs he intended to reſign his Crown. He knew what Opinion *Engliſh* Subjects had of his moſt Chriſtian Majeſty, and might have known, that they would never fetch him from *France* again, nor willingly receive him with a *French* Power. What a happy Opportunity he now has to recover his Kingdoms again by *French* Troops, I ſuppoſe by this time he begins to diſcern; and I hope it may prove a very happy Opportunity for his dear *Ally* to loſe his: he has ſhew'd him by his own Example what to do in ſuch caſes; and the *Engliſh* Parliament has taught the *French* what name to give it.

DECLARATION.

Upon what foundation of Juſtice, or common Senſe, the Prince of Orange's *Faction in* England *were pleas'd to treat this Eſcape of ours out of the Hands of our Enemies, in the Stile of an* Abdication; *a word, when apply'd to Sovereign Princes, that was never before us'd to ſignify any thing but a free and voluntary Reſignation of a Crown, as in the Caſes of the Emperor* Charles *the Fifth, and the late Queen of* Sweden: *and what a ſtrange Superſtructure they rais'd upon this weak Foundation, that a Company of Men illegally met together, who had not Power, even by their own Confeſſion at that time (for it was before they had voted themſelves a Parliament) to charge the Intereſt of the meaneſt Subject; ſhould yet take upon them to deſtroy the whole Conſtitution of the Government, to make an antient Hereditary Monarchy become Elective; and then aſſuming to themſelves the Right of Election, ſhould proceed to ſettle the Succeſſion in ſo odd and extravagant a manner, are Tranſactions that need not be repeated: They are too well known to the World, to the great Reproach of the* Engliſh *Nation; and the Grounds upon which they are built, are too vain and frivolous to deſerve a Confutation. Every Freeholder of* England *is, in this Caſe, able to make his own Obſervations; and will, no doubt, examine a little better than hitherto he has done, what Aſſurance any private Man can have of keeping his Eſtate, if the King himſelf ſhall hold his Crown by no better a Title.*

OBSERVATIONS.

K. J. his Deſertion prov'd an Abdication of the Government.

His leaving the Kingdom for the Safety of his Perſon, *and to preſerve himſelf for better times, and for a more happy Opportunity*, he ſays, was no Abdication, as that ſignifies a voluntary Reſignation of his Crown; nor do I ſay it was: But his withdrawing his Perſon and Authority, was an actual quitting of the Government: whatever it is in Law, I'm ſure in common Senſe, the Throne is actually empty, when no body is in it; and no body is in it, when there is no Authority in the Nation to adminiſter the Government. And when the Throne is empty, the Eſtates of

the Realm (who are the only ſupreme Authority, when there is no Monarch) muſt fill it again, unleſs the Government muſt diſſolve; and then there is an end of all Rights and Claims: And this they have done, not by turning an antient Hereditary Monarchy into an Elective, but by placing the next undoubted Heir on the Throne. And tho he never intended to give up his Right and future Claim, yet he has done what he never intended to do: when the Throne is empty, it muſt be fill'd; and when it is declar'd vacant, and fill'd by the ſupreme Authority of the Nation, there is no room for him there.

The Authority of the Convention Parliament vindicated.

As for the Convention of Eſtates; When there was no King on the Throne, we do not pretend that they were a formal Parliament, for that muſt have a King at the Head of it; and therefore, as is obſerv'd in the Declaration, they could impoſe no legal Taxes on Subjects, nor did they attempt it: but yet they were not a Company of Men illegally met together, without Authority to do any thing; but they met at the Requeſt, and under the Protection of the then Prince of *Orange*, upon the fundamental reaſons of the Conſtitution it ſelf, as the ſole Judges of all Diſputes relating to the Crown. Such Diſputes will ſometimes happen, and if there be no legal Judges of it, the Sword muſt decide it, and that is a State of War, not of civil Government, which all Governments are ſuppos'd to provide againſt: and yet if the Convention of the Eſtates are not the proper Judges in ſuch Caſes, it is certain there are none; and then the civil Government is diſſolv'd; we are in a State of War, and muſt ſubmit to the longeſt Sword. But this is ſo fully and plainly ſtated in the late ingenious *Reflections on the Caſe of Allegiance to a King in poſſeſſion* from *p.* 26. to *p.* 34. that to ſhorten this Letter as much as I can, I ſhall refer you to that Author for further Satisfaction.

So that Freeholders are not at all concern'd in this Matter; a Convention of Eſtates without a King, cannot meddle with their Properties without a Diſſolution of the Government: But when there is no King, or it is a Queſtion whether there be or not, or who is King by the fundamental Conſtitution of the Government, the Convention of the Eſtates are the ſole and proper Judges of it; in whoſe Determination all private Subjects are bound in conſcience to acquieſce. And the late King need not complain of this, as if it made the Titles of Princes to their Crowns very uncertain and arbitrary: For he had an unqueſtionable Title to his Crown, and might have held it to this day, if he himſelf had not undermin'd it, by breaking in upon the Laws, and even upon the Conſtitution it ſelf, upon which his Right was founded: This occaſion'd ſuch a Revolution, as forc'd him to abdicate, and to leave it to a Convention, to declare his Throne vacant, and to fill it.

DECLARATION.

But ſince ſome Men, who could not ſay one word in Defence of the Juſtice of theſe Proceedings, would yet take great pains to ſhew the Neceſſity of them, and ſet forth the extraordinary good Effects that were to be expected from ſo very bad a Cauſe; we do not doubt but the Nation has by this time caſt up the Account, and when they ſhall have well conſider'd, what Wonders might have been perform'd with leſs Expence of Engliſh *Blood, than that which has been unneceſſarily trifl'd away in this Quarrel; that ſuch a number of Ships of War have been loſt and deſtroy'd in the three years laſt paſt, as might alone have been ſufficient to have made a conſiderable Fleet; that more Mony has been drain'd out of the Purſes of our Subjects in the Compaſs of that time, than during the whole Reigns of many of our Predeceſſors put together; and that not as formerly, ſpent again, and circulating among them, but tranſported,* in ſpecie, *into Foreign Parts, and for ever loſt to the Nation: When theſe and many other Particulars of this Nature are caſt up, it muſt certainly appear at the Foot of the Account, how much worſe the Remedy is than the fancy'd Diſeaſe, and that at leaſt hitherto, the Kingdom is no great Gainer by the Change.*

OBSERVATIONS.

The good effects of the Revolution.

I doubt his late Majeſty is miſinform'd; for there are not only ſome, but a great many, who have more than one word to ſay, both for the Juſtice, and the Neceſſity of theſe Proceedings, and the whole Nation already feels the extraordinary good Effects of them, notwithſtanding the Expence of Blood and Treaſure, of which he complains; for we know whom we are to thank for that. And the beſt way to prevent the Effuſion of more Blood, and the Expence of more Mony, is to keep out his *French* Troops, and to know when we are well. Revolutions are and will be bloody, and chargeable, and therefore one Revolution is enough for one Age;

Age: The *Dutch* are already paid, and we don't deſire to pay the *French* too, which is a much longer Account, and we ſhall get leſs by it. We have hitherto had ſomething for our Mony, and ſomething that is very valuable, our Laws, and Liberties, and Religion; but I believe the Nation will think it a hard Bargain, to pay ten times the price for *French* Popery and Slavery.

The Nation, as he ſays, has *caſt up the Account*, and I believe above Nineteen parts in Twenty have conſider'd the Matter ſo well, that they are come to a fixt Reſolution to oppoſe the intended Invaſion to the utmoſt of their Power.

As for the loſs of the *Ships of War*, it now appears (God for ever be praiſed for it) that their Majeſties have a Fleet ſtill left conſiderable enough, and faithful too (notwithſtanding all the Arts and Endeavours of our Enemies to debauch them from their Allegiance) to deal with, and even to deſtroy the Naval Power of *France*.

DECLARATION.

The next Conſideration is, What may reaſonably be expected for the time to come: And as to that, no better judgment can be made of any future Events, than by reflecting upon what is paſt: And doubtleſs from the obſervation of the Temper and Complexion, the Methods and Maxims of the preſent Uſurper, from the Steps he has already taken, when it was moſt neceſſary for him to give no diſtaſte to the People, as well as from the Nature of all Uſurpation, which can never be ſupported but by the ſame ways of Fraud and Violence by which it was firſt ſet up; there is all the reaſon in the World to believe, that the beginning of this Tyranny, like the five firſt Years of Nero, *is like to prove the mildeſt part of it; and all they have yet ſuffer'd, is but the beginning of the Miſeries which thoſe very Men, who were the great Promoters of the Revolution, may yet live to ſee and feel as the Effect of that illegal and tyrannical Government, which they themſelves firſt impos'd upon the Kingdoms.*

OBSERVATIONS.

His Majeſty's Government vindicated.

There is no Anſwer needs be given to this, which may always be ſaid of the beſt Beginnings of the beſt Government: We for our part find no fault with his Majeſty's Government yet, and ſee no reaſon to ſuſpect it for the future: Taxes are the only Cauſe of complaint now, and yet few complain of them but *Jacobites*, who out of their great Zeal for the late King, pay double Taxes to the preſent Government to keep him out, which does him more miſchief than *Jacobite* Oaths could do; and yet, thanks be to God, we have a hopeful proſpect of the end of theſe Taxes, and have been ſo well repaid of late, that we ſhall not grudg to clear the Account, that we may have ſomething to call our own. But of all Men in the World (excepting always *his moſt Chriſtian Majeſty*) the *late King* ſhould not attempt to frighten us with the dangers of Miſgovernment, for a good reaſon in which himſelf is too nearly concern'd, and which all *Engliſh* Proteſtant Subjects very well know. As to what relates to *the firſt five Years of* Nero; this certainly is a piece of the Secretary's own Pedantry, to ſhew his great reading, and to impart to us one of the choiceſt Secrets in the *Roman* Hiſtory. All compariſons of Princes with *Nero* are very odious; but I know not how he could have made one more to the advantage of King *William*, than to compare his Reign hitherto with *the firſt five Years of* Nero, which the *Roman* Hiſtorians tell us may compare with that of the beſt of their Emperors. But however this I am ſure of, that 'tis better to begin a Reign as *Nero* did, than to begin where he ended, as two other Kings have done, and to go on to improve and perfect that ill Pattern; to which, if God had not mercifully prevented it, they were, not above a month ago, juſt ready to have given their laſt hand, and the finiſhing ſtrokes.

DECLARATION.

And yet the Conſideration muſt not reſt here neither: For all wiſe Men ought, and all good Men will take care of their Poſterity; and therefore it is to be remembred, that if it ſhould pleaſe Almighty God, as one of his ſevereſt Judgments upon theſe Kingdoms, for the many Rebellions and Perjuries they have been guilty of, ſo far to permit the continuation of the preſent Uſurpation, that we ſhould not be reſtor'd during our Life-time, yet an indiſputable Title to the Crown will ſurvive in the Perſon of our deareſt Son the Prince of Wales, *our preſent Heir apparent, and his Iſſue; and for default of that, in the Iſſue of*

ſuch other Sons as we have great reaſon to hope (the Queen being now with Child) we may yet leave behind us: And what the Conſequences of that is like to be, may eaſily be underſtood by all that are not ſtrangers to the long and bloody Contentions between the two Houſes of York *and* Lancaſter; *and whoever ſhall read the Hiſtories of thoſe Times, and there ſhall have preſented to him as in one view, a Scene of all the Miſeries of an Inteſtine War, the perpetual haraſſing of the poor Commons by Plunder and Free-quarter; the ruin of many noble Families by frequent Executions and Attainders; the weakning of the whole Kingdom in general at home, and the loſing thoſe Advantages they might in the mean time have procur'd for themſelves abroad, cannot but conclude that theſe are the natural Effects of thoſe Struglings and Convulſions that muſt neceſſarily happen in every State where there is a Diſpute entail'd between an injur'd Right and an unjuſt Poſſeſſion.*

OBSERVATIONS.

Popery and Slavery to be reſiſted at any time and rate.

This will need but a very ſhort Anſwer: For as to the Civil Wars he threatens our Poſterity with from the Pretences of the *Prince of Wales*, I muſt needs ſay I had rather, if it muſt come to fighting, that they ſhould fight for the Crown twenty or thirty Years hence, than now. *Give Peace in our Days, O Lord.* I had rather our Poſterity ſhould enſlave themſelves, if they ſhall have a mind to be enſlav'd, than that we ſhould enſlave our ſelves and our Poſterity with us. There is no ſuch haſt of bringing in Popery and Slavery; and 'tis to be hop'd, if we be true to our Religion and Liberties, our Poſterity may grow wiſe by our Example. But I muſt obſerve, that whereas the Prince of *Wales* in this *Engliſh* Declaration is call'd the *Heir Apparent*, in the *French* Declaration he is call'd only the *Preſumptive Heir*. Perhaps *Preſumptive Heir* in the *French* Law, may be the ſame with *Heir Apparent* in ours: If it be not, What did Sir *E. H.* or whoever was the Penman of this Declaration, mean by it? Will they ſet aſide the Pretences of the Prince of *Wales*, if the late Queen *Mary* (who is ſaid to be with Child) in good truth bring forth a Son? This looks very ſuſpiciouſly, as if they did not believe they had given ſufficient Satisfaction about the Birth of this pretended Prince of *Wales*; but however, we muſt preſume him Prince of *Wales*, till they have another whom they can by better Proof make out to be the unqueſtionable Son of the late Queen *Mary*.

DECLARATION.

There is another Conſideration that ought to be of weight with all Chriſtians; and that is the calamitous Condition of Europe, *now almoſt univerſally engag'd in a War among themſelves, at a time when there was the greateſt hopes of Succeſs againſt the* Common Enemy, *and the faireſt proſpect of enlarging the Bounds of the* Chriſtian *Empire, that ever was in any Age ſince the declining of the* Roman: *And ſo far from the hopes of a general Peace before our Reſtoration, that no rational Project of a Treaty can be form'd in order to it: But that once done, the thing will be eaſy, and we ſhall be ready to offer our Mediation, and interpoſe all the good Offices we can with* his moſt Chriſtian Majeſty *for the obtaining of it.*

OBSERVATIONS.

The French *King the Author of all the preſent Wars in* Europe.

This whole Period is a ſharp and perpetual Satyr againſt the *French* King: For who has been the great Diſturber of the Peace of *Europe* but *his moſt Chriſtian Majeſty?* With whom are all the Princes of *Europe* at War but with him? Who elſe has *hinder'd the Succeſs againſt the Common Enemy, and the enlarging the Bounds of the Chriſtian Empire?* Who invited the *Turk* into *Europe?* Who encourages him to continue the War after ſo many fatal Defeats, which may probably prove the ruin of his whole Empire? In a word, what other Chriſtian Prince is the Great Turk's Ally and Confederate in this War? And is not this War continu'd and encourag'd by all the Power and Intereſt of the *French* King, on purpoſe to diſturb the Peace of *Europe*, that while the Imperial Forces are otherwiſe employ'd, he may make a Prey of his weaker Neighbours? It is decent to ſpare crowned Heads, and ſuch as have been crown'd; but the Penman of this Declaration deſerves his Reward for putting in ſo many notorious Falſhoods, as may juſtly call the Truth and Sincerity of the whole in queſtion. I know but one Excuſe for him, that he has made it almoſt all of a Piece; and tho he has had little regard to Truth, yet he has ſo order'd the matter, that he can deceive no body but thoſe who have a great mind to be deceiv'd, and it is not amiſs that ſuch ſhould be gratify'd.

Who

Who but the late King could hope to perſwade the World, that to reſtore him to his Kingdoms is abſolutely neceſſary to the *Peace of Europe*; that *before his Reſtoration, no rational Projects of a Treaty can be form'd in order to a Peace?* He may be miſtaken in this, for the *French* King may quickly be glad to make Peace, and leave him and his Reſtoration out of the Treaty: For things are come to that Extremity now, that it is in vain to think of Peace, till *Lewis the Great* be reduc'd to ſuch a ſtate as to accept it, and unable to break it: And then this Argument returns upon him; for the Peace of *Europe* is a neceſſary Reaſon why he ſhould not be reſtor'd, as I obſerv'd in my former Letter.

K. J. his Reſtoration not neceſſary to the Peace of Europe.

But he who could fancy himſelf to be a proper and effectual Mediator for a Peace if he were reſtor'd, muſt have liberty to fancy any thing; and it is happy for him that he has ſo comfortable an Imagination: I do really pity him too much to endeavour to diſpoſſeſs him of it, becauſe that would be to undo him more than he is already undone.

DECLARATION.

Since therefore we come with ſo good Purpoſes, and ſo good a Cauſe, the Juſtice of which is founded upon the Laws both of God and Man; ſince the Peace of Europe, *as well as of our own Kingdoms, the Proſperity of preſent and future Ages is concern'd in the Succeſs of it, We hope we ſhall meet with little oppoſition, but that all our loving Subjects, according to the Duty and the Oath of their Allegiance, and as we hereby command and require them to do, will join with Us, and aſſiſt us to the utmoſt of their Power.*

OBSERVATIONS.

I can ſay little to this, the Event will beſt ſhew, whether the People of *England* will think his Cauſe ſo good, and the Reaſons for his Reſtoration ſo preſſing, as to aſſiſt him in it.

DECLARATION.

And we do hereby ſtrictly forewarn and prohibit any of our Subjects whatſoever, either by collecting or paying any of the illegal Taxes lately impos'd upon the Nation, or any part of our Revenue, or by any other ways, to abet or ſupport the preſent Uſurpation. And that we may do all that can be thought of to win over all our Subjects to our Service, that ſo, if it be poſſible, we may have none but the Uſurper and his Foreign Troops to deal with; and that none may be forc'd to continue in their Rebellion by deſpair of our Mercy for what they have already done, We do hereby declare and promiſe, by the Word of a King, That all Perſons whatſoever, how guilty ſoever they have been (except the Perſons following, viz. *The Duke of* Ormond, *Marqueſs of* Wincheſter, *Earl of* Sunderland, *Earl of* Bath, *Earl of* Danby, *Earl of* Nottingham, *Lord* Newport, *Biſhop of* London, *Biſhop of* St. Aſaph, *Lord* Delamere, *Lord* Wiltſhire, *Lord* Colcheſter, *Lord* Cornbury, *Lord* Dunblane, John *Lord* Churchil, *Sir* Robert Howard, *Sir* John Worden, *Sir* Samuel Grimſtone, *Sir* Stephen Fox, *Sir* George Treby, *Sir* Baſil Dixwel, *Sir* James Oxendon, *Dr.* Tillotſon *Dean of* Canterbury, *Dr.* Gilbert Burnet, Francis Ruſſel, Richard Leviſon, John Trenchard, *Eſquires*; Charles Duncomb *Citizen of* London, Edwards, Napleton, Hunt *Fiſherman*, *and all others who offer'd perſonal Indignities to us at* Feverſham; *except alſo all Perſons who as Judges or Jurymen, or otherwiſe had a hand in the barbarous Murder of Mr.* John Aſhton *and of Mr.* Croſs, *or of any others who have been illegally condemn'd and executed for their Loyalty to us; and all Spies, and ſuch as have betray'd our Counſels during our late abſence from* England) *that by an early return to their Duties, and by any ſignal Mark of it, as by ſeizing to our Uſe, and delivering into our hands any of our Forts, or by bringing over to us any Ships of War, or Troops in the Uſurper's Army, or any new rais'd and armed by themſelves, or by any other eminent good Service, according to their ſeveral Opportunities and Capacities, ſhall manifeſt the ſincerity of their Repentance, ſhall not only have their reſpective Pardons immediately paſs'd under the Great Seal of* England, *but ſhall otherwiſe be conſider'd and rewarded by us, as the Merit of their Caſe ſhall require. And for all others who after the time of our landing ſhall not appear in Arms againſt us, nor do any Act or Thing in oppoſition to our Reſtauration, the Perſons before-mention'd only excepted, we ſhall provide in our firſt Parliament (which we intend to call with all convenient ſpeed) by a general Act of Indemnity, that ſo the Minds of all our Subjects may be as quiet,*

Perſons excepted out of K. J. his Pardon.

and

and as much at eaſe, as their Perſons and Properties will be ſecure and inviolable under our Government.

Provided always, That all Magiſtrates who expect any benefit of our gracious Pardon, ſhall immediately after notice of our landing, make ſome publick Manifeſtation of their Allegiance to us, and of their ſubmiſſion to our Authority; and alſo publiſh and cauſe to be proclaim'd this our Declaration as ſoon as it ſhall come to their hands: And likewiſe that all Keepers of Priſons immediately ſet at liberty all Perſons committed to their Cuſtody upon the account of their Allegiance and Affection to us, or be excluded from any benefit of our Pardon.

And we do hereby further declare, That all Officers or Soldiers by Sea or Land, now engag'd in the Uſurper's Service, who ſhall after notice of our landing, at any time before they engage in any Fight or Battel againſt our Forces, quit the ſaid illegal Service, and return to their Duty, ſhall not only have their reſpective Pardons, but ſhall likewiſe be fully ſatisfy'd and paid all the Arrears due to them from the Uſurper. And that even the Foreigners themſelves, who have been as well in Troops as ſingle Perſons drawn into this Kingdom, in order to liſt them as there ſhould be occaſion for the oppoſing our Return, and continuing our People in the Oppreſſion they lie under, may not be altogether driven to deſpair, We do promiſe, that all ſuch of them as ſhall, as aforeſaid, before they engage againſt any of our Forces, lay down their Arms, and claim the Benefit of our preſent Declaration, ſhall have their Arrears ſatisfy'd, and care ſhall be taken for their Tranſportation to their reſpective Countries, or elſewhere as they ſhall reaſonably deſire.

OBSERVATIONS.

K. J. his Grace and Favour conſider'd.

Let us now conſider the Grace and Favour promis'd in this *Declaration.* For *Grace* and *Pardon*, &c. are very good things when we read them, but yet no Man would chuſe to need them if he could help it. If the late King's Reſtoration was deſirable upon other Accounts, and nothing hindred Subjects from returning to their Duty and Allegiance, but fear of Puniſhment for what is paſt, the Promiſe of *Pardon* would be a very good Argument to encourage Subjects to aſſiſt him in his Return; but merely that we ſhall be pardon'd is no Argument to bring him back, becauſe we ſhall need no Pardon if we don't; and that is always the ſureſt ſide to need no Pardon, much ſurer than any promiſe of Pardon the late King can make.

And yet he has us'd that great Caution in his promiſe of Pardon, as if he were afraid we ſhould expect more than he intends to give, and ſhould charge him with a new breach of Promiſe when we come to *Tower-hill* or *Tyburn.*

We ſee whom he has excepted, but 'tis not eaſy to know who is pardon'd; the truth is, he has put all the Subjects of *England* under a neceſſity of forfeiting their Pardon when he recovers his Throne, or of being hang'd or mobb'd, at leaſt of venturing both, before he can be in a condition to pardon. All are excepted from this Pardon, who ſhall either *appear in Arms againſt him, or do any Act or Thing in oppoſition to his Reſtoration* Now: *to collect or pay any of the illegal Taxes, or any part of the Revenue of the Crown*, are expreſly forbid, *as abetting or ſupporting the preſent Uſurpation*; and therefore to pay Taxes is one of the *Acts or Things* which excludes from Pardon, and this excepts the whole Nation at once. And for the comfort of the Clergy, to pray for King *William* and Queen *Mary*, and for the Succeſs of their Arms, eſpecially after the late King is landed, will certainly be *doing an Act or Thing in oppoſition to his Reſtoration.* And all Magiſtrates are in a very hopeful condition, who are excluded from Pardon, unleſs they *ſhall immediately after notice of his landing, make ſome publick Manifeſtation of their Allegiance to him, and of their ſubmiſſion to his Authority, and cauſe his Declaration to be proclaim'd as ſoon as it ſhall come to their hands.*

This is a very Gracious Pardon, which Men muſt purchaſe at the price of their Necks; and yet how far this Pardon will extend we know not, it may be only to Life, for here is no mention of Fortunes or Honours: and yet it is but a mere Pardon; here is not one kind word given to the Proteſtant Nobility, Gentry, or Clergy; no Promiſe to employ them in his Councils, or any Civil or Military Truſts; and when we know how he has hitherto kept his Promiſes, we have little reaſon to expect that he will now do more than he has promis'd.

But beſides the Exceptions from Pardon in general words, which upon one account or other do involve the whole Nation, there are ſome things very remarkable as to the Perſons by Name excepted. Moſt of them I believe are not ſorry for it, becauſe they know their Caſe would have been the ſame, had they not been excepted;

excepted; and poſſibly others may hope their Caſe may be the better for being excepted. But why Sir *St. F.* and Sir *S. Gr?* They are both of them very worthy and honeſt Gentlemen, and I dare almoſt be their Compurgator, as to having had any hand in Revolutions. But I muſt confeſs both of them have Eſtates very worthy to be excepted. And ſome ſuch Reaſon probably there may be for excepting Sir *J. O.* and Sir *B. D.* of *Kent*, for it cannot but come into every body's Mind, how conveniently their Eſtates lie to make a Compenſation to Sir *E. H.* for his great Merits and Sufferings. But why deſcend ſo low as to except poor *Hunt* the Fiſherman? This I take to be a true ſtroke of Secretary *Melfort*'s Popiſh Bigotry, and put in on purpoſe to let us know that effectual Care will be taken, that the late King whenever he returns, ſhall have ſo exact a Memory, that the Merits of the meaneſt Man in *England* ſhall not be forgotten. You ſee what the Pardon is, and thoſe who like it may merit it if they pleaſe.

Sir Edw. Hales *to be recompens'd out of the neighbouring forfeited Eſtates.*

DECLARATION.

And we do hereby further declare and promiſe, That we will protect and maintain the Church of England, *as it is now by Law eſtabliſh'd, in all their Rights, Privileges, and Poſſeſſions: And that upon all Vacancies of Biſhopricks, and other Dignities and Benefices within our diſpoſal, care ſhall be taken to have them fill'd with the moſt worthy of their own Communion.*

OBSERVATIONS.

Here he promiſes to protect and defend the Church of *England*; which will be a great Favour indeed from him if he ſhould return with a *French* Power. But the Church of *England* is protected already by Princes who think it their Duty to do it: And we think our ſelves much ſafer in the Inclinations of a Proteſtant King and Queen, than we can be in all the Promiſes of a zealous Papiſt. And therefore this can be no Argument in our Caſe, becauſe it offers us a worſe Security for our Protection than what we already have; for it is always great odds on Nature's ſide. And yet this Promiſe to the Church of *England* ſeems fainter and cooler than ſome he has formerly made, which is all the reaſon we have to expect it will be better kept, eſpecially there being not the leaſt intimation of the breach of his former Promiſes, nor any excuſe made for it. And it is fit to be obſerv'd, that whereas he promiſes, that *upon all Vacancies of Biſhopricks, and other Dignities and Benefices within our diſpoſal, care ſhall be taken to have them fill'd with the moſt worthy of their own Communion*; there is not one word ſaid of Univerſities and Colleges, tho the Caſe of *Magdalen* College is ſo very notorious, and ſo freſh in every man's Memory, that there is hardly a Yeoman or Artificer in the Nation, that has not a lively remembrance of it. Church of *England*-men then ſhall at preſent have the Churches, and Papiſts the Colleges to breed up a Roman Catholick Succeſſion of honeſt *Obadiah*'s.

K. J's Promiſes to protect the Ch. of Eng. *conſider'd.*

DECLARATION.

And whereas more Tumults and Rebellions have been rais'd in all Nations upon the account of Religion, than upon all other Pretences put together, and more in England *than in all the reſt of the World beſides; That therefore Men of all Opinions in Matters of Religion may be reconcil'd to the Government, that they may no longer look upon it as their Enemy, but may therefore think themſelves equally concern'd in the preſervation of it, with the reſt of their Fellow-ſubjects, becauſe they are equally well treated by it; and being convinc'd in our Judgment, that Liberty of Conſcience is moſt agreeable to the Laws, and* the Spirit of the Chriſtian Religion, *and moſt conducing to the Wealth and Proſperity of our Kingdoms, by encouraging Men of all Countries and Perſuaſions to come and trade with us, and ſettle amongſt us: For theſe Reaſons we are reſolved moſt earneſtly to recommend to our* Parliament *the ſettling* Liberty of Conſcience *in ſo beneficial a manner, that it may remain a laſting Bleſſing to this Kingdom.*

OBSERVATIONS.

In this Paragraph, for the *Peace of the Nation*, and for the Advancement of *Trade*, he promiſes *earneſtly to recommend to the Parliament the ſettling Liberty of Conſcience.*

Liberty of Conſcience promis'd.

ſcience. But this is no Argument to the Diſſenters to help forward another Revolution, becauſe they have it already in as full and ample a manner as it can be given them. All that he can add to this, is Liberty of Conſcience for Papiſts, and the Repeal of the Teſt, which coſt him ſo much cloſetting to no purpoſe, and now is promis'd as a Favour: What Proteſtant Diſſenters will think of it I leave them to conſider.

But when he ſays, *We are convinc'd in our Judgment, that Liberty of Conſcience is moſt agreeable to the Laws, and to the Spirit of the Chriſtian Religion*; me-thinks theſe two Kings treat one another with great freedom: For what handſomer Compliment could have been made to the *moſt Chriſtian King*, than to intimate that his Perſecution of his Proteſtant Subjects is not at all agreeable to the Laws, or to the Spirit of the Chriſtian Religion? This is plain dealing if the *French* King can bear it: But, I ſuppoſe they are agreed, that K. *J.* ſhall declare as is moſt fit for his purpoſe, and the *French* King do what is moſt convenient for his own.

DECLARATION.

Laſtly, It ſhall be our great Care, by the Advice and Aſſiſtance of our Parliament, to repair the Breaches and heal the Wounds of the late Diſtractions; to reſtore Trade by putting the Act of Navigation in effectual execution, which has been ſo much violated of late in favour of Strangers; to put our Navy and Stores into as good a Condition as we left them; to find the beſt ways of bringing back Wealth and Bullion to the Kingdom, which of late has been ſo much exhauſted: And generally we ſhall delight to ſpend the remainder of our Reign (as we have always deſign'd ſince our coming to the Crown) in ſtudying to do every thing that may contribute to the Re-eſtabliſhment of the Greatneſs of the Engliſh *Monarchy upon its old and true Foundation, the united Intereſt and Affection of the People.*

OBSERVATIONS.

Trade to be reſtor'd by K. James, and how.

What theſe *Breaches and Wounds of the late Diſtractions* are, he does not tell us, and therefore we muſt ſuppoſe they are ſuch as are here mention'd. As for *reſtoring Trade*, it has not been loſt yet; the *Cuſtom houſe* does not complain of it, which is commonly the firſt that feels it. The Navy is in a much better condition than he left it, if we may gueſs at that by its late Exploits: But if he be ſo well skill'd in *reſtoring Navies*, he ought both in Charity and Gratitude now to ſtay a little longer in *France*. As for his *bringing back Wealth and Bullion into the Nation*, I believe the Nation would have been better pleas'd, if he would have promis'd to ſend none out. And as for his concluding Promiſe in theſe words, *And generally we ſhall delight to ſpend the remainder of our Reign (as we have always deſign'd ſince our coming to the Crown) in ſtudying to do every thing that may contribute to the Re-eſtabliſhment of the Greatneſs of the* Engliſh *Monarchy upon its old and true Foundations, the united Intereſt and Affection of the People*; this is Plain-dealing, and ſureſt to be made good of any thing in the Declaration. And if he does this *now, as he always deſign'd to do it* (for he could not then do all that he *deſign'd* to do) here is a renewed Promiſe of Popery and Arbitrary Power: And thoſe are unpardonable Infidels who will not take his Word for it.

DECLARATION.

Thus having endeavour'd to anſwer all Objections, and give all the Satisfaction we can think of to all Parties and Degrees of Men: We cannot want our ſelves the Satisfaction of having done all that can be done on our part, whatever the Event ſhall be; the diſpoſal of which we commit with great Reſignation and Dependance to that God who judges right. And on the other ſide, if any of our Subjects after all this, ſhall remain ſo obſtinate as to appear in Arms againſt us, as they muſt needs fall unpitied under the Severity of our Juſtice, after having refus'd ſuch gracious Offers of Mercy, ſo they muſt be anſwerable to Almighty God for all the Blood that ſhall be ſpilt, and all the Miſeries and Confuſions in which theſe Kingdoms may happen to be involv'd by their deſperate and unreaſonable Oppoſition.

Given at our Court at St. Germains *this preſent* 20*th of* April 1692. *in the Eighth Year of our Reign.*

Per ipſum Regem manu propriâ.

OBSER-

OBSERVATIONS.

Thus the *Declaration* ends, and it is time for me to end too. After theſe *Obſervations* you will be able to comprehend both the wiſe Deſign of this *Declaration*, and how likely it is to have its effect; provided it can but gain theſe two eaſy Points. Firſt, To perſuade King *William* to quit the Crown for fear of loſing it; and then prevail with the People to believe, that two other Kings whom I will not name, will for this once put off their Natures, and out of a particular Reſpect and Kindneſs to the *Engliſh* Church and Nation, quit all thoughts of introducing Popery and Arbitrary Power here in *England*.

Once more, *Sir*, Farewel.

The Pretences of the French *Invaſion examin'd, for the Information of the People of* England.

Printed in *May* 1692.

THAT the Sword hath thus long been kept from deſtroying among us, is a Bleſſing which we cannot ſufficiently underſtand, unleſs we conſider the woful Deſolation it hath made in our neighbouring Nations: Nor are they at all ſenſible how much they owe to God and their Majeſties for keeping us in Peace, who give the leaſt Encouragement to this intended Deſcent, which muſt turn our Land into an *Aceldama*, and will make ſuch woful Havock of our Lives and Fortunes, while one party fights for Safety and the other for Revenge, that no Age can parallel the horrid Conſequences of ſuch a Civil War as this will prove. And if *Papiſts* only (blinded by Zeal for their Religion, and blown up with hopes of abſolute Empire) encouraged this bloody deſign, it would be no Wonder, and could have no Succeſs, conſidering the general Averſion of the People to them, and the freſh Inſtances of their Inſolence and Cruelty.

The Miſchiefs of ſuch an Invaſion.

But alas! It appears that many who call themſelves *Proteſtants*, are engaged in this fatal Conſpiracy againſt their Religion and their Native Country; which is ſo prodigious and amazing, that a Man would wonder who hath bewitched theſe fooliſh *Galatians* to puſh on their own and the Churches Ruin: And every one muſt be inquiſitive into the ſpecious Pretences by which theſe Men are induced to become their own Executioners.

Now the pretended Motives are theſe:

Firſt, Repairing the Injury done to the late King.
Secondly, Delivering us from the Oppreſſions we ſuffer under the preſent King.
Thirdly, Settling the Government upon its old Baſis.
Fourthly, Securing the Proteſtant Religion for all future Ages.

Now it becomes every true Engliſh Proteſtant to examine theſe Pretences very well, before he venture on a thing of ſo evil Appearance and dangerous Conſequence, as is the joining with theſe Invaders.

Firſt, It is pretended, the late King was unjuſtly deprived of his Birth-right by his Subjects, who by Nature and Oaths were bound to defend him in the Poſſeſſion of it: And now that he comes to demand his own, all that ever were his Subjects muſt either aſſiſt, or at leaſt not oppoſe him.

Firſt Pretence, of Wrong done to K. J. conſider'd.

K. J. the Author of his own Ruin.

But let it be conſider'd, that all the late King's Sufferings were owing to, and caus'd by the Counſels of his Popiſh Prieſts, and the Bigots of that Perſuaſion: Proteſtants were not the Aggreſſors, he might have kept his Poſſeſſion to this day undiſturb'd, if he had not made ſuch open and bold Attempts upon our Laws, our Religion and Properties; ſo that he was the firſt and only Cauſe of his own Sufferings: and why ſhould Millions be involv'd in Blood and Ruin, who are perfectly innocent of doing this Injury? No free Nation did ever bear more or greater Injuries, or endure ſuch Violences ſo long, or ſo patiently as we did: And when ſome ſtop was to be put to the final Ruin of our Liberties and Religion, it was done at firſt by Petitions and Complaints; and when they were deſpis'd, none but defenſive Arms were taken up by ſome few, and by a Foreign Prince, only to cover their Heads while the Grievances were fairly redreſſed; not to take away his Rights, but to ſecure our own. Nor did the Prince of *Orange*, or theſe Gentlemen, deveſt or deprive him of his Throne, but own'd his Right by offering a Treaty; during the continuance of which he disbanded his Army, diſſolv'd his Government, and as much as in him lay attempted to deſert the Throne, and ſeek Aids from an Enemy's Country; which might ſecure him againſt redreſſing any Grievances, and enable him to be reveng'd upon the injured Complainers. We did not make the Throne vacant, but the late Archbiſhop and other Peers at *Guildhall*, believ'd he had left it void, or elſe they would not without his Conſent have ſeiz'd on the Adminiſtration of the Government, ſecur'd his Chancellor, taken poſſeſſion of the *Tower*, and offer'd the exerciſe of the Supreme Power to the Prince of *Orange*. He left us in Anarchy, and we provided for our ſelves in the beſt manner ſuch a Juncture would allow. I will not enquire now, whether theſe Subjects, who are ſo zealous for his Return, were not bound to do more than they did to keep him in his Throne while he had it; their Conſcience then permitted them to look on and let him ſink, while his Security had been far more eaſily compaſs'd: But they who have now theſe unſeaſonable Pangs of their old Loyalty, muſt conſider, that a Man may leave his Right when he pleaſeth, but may not take it again at his Pleaſure, eſpecially not by Force, and this moſt eſpecially as to Sovereign Power: Some body muſt govern when he would not; the next undoubted Heir in an Hereditary Monarchy muſt; and whoever doth govern in chief in this Nation muſt be King by our Conſtitution, and muſt have Power ſufficient to protect himſelf and the Nation againſt all their Enemies, and that cannot be without ſwearing new Allegiance. Now when a King and Queen are declar'd, ſubmitted to, and own'd by Oaths, and all other Methods requir'd in ſuch Caſes; the King is not at liberty to give up his own Power, and the Protection of us; nor are the People free to join with him that deſerted them, or to venture their Necks or their Countries Ruin to reſtore him. I dare ſay, that the *French* King will not grant that the Citizens of thoſe Cities who were ſubject to *Spain* or the Emperor, and bound by Oath to thoſe Princes (but have now ſubmitted to him, and ſworn new Allegiance) are oblig'd to venture their Lives and Fortunes, by virtue of their old Oaths, to reſtore thoſe Cities to their former Maſters; doubtleſs he would ſolve their Scruples with a Halter if he found they attempted it. Beſides, the Injuries (as they are call'd) done to the late King by his own Acts, if they were capable of Reparation, muſt not be repair'd with the injuring, yea ruining many thouſand innocent Perſons, who muſt unavoidably loſe their Lives, and be undone in their Eſtates by his returning by Force. The preſent King and his Army are bound by Oaths, Duty and Intereſt, to oppoſe him; ſo are all now protected by him, and who have ſworn Allegiance to him; and 'tis certain all that are not perjur'd Hypocrites will do ſo: And then what *Engliſhman*'s Bowels muſt not bleed, to conſider what Murders, Burning, Plundering and Deſtruction he brings upon his native Country, who encourages the Aggreſſors? If he have any kindneſs for us whom he calls his Subjects, he would rather ſit quietly under his ſingle Injuries than wiſh, or however attempt to be reſtor'd by Blood and a univerſal Ruin: And if he have no pity for us, why ſhould we be ſo concern'd for him as to ſacrifice our Lives and Fortunes to his Revenge? He went away while a Treaty was on foot, and nothing but a Treaty can reſtore him fairly, which he never yet offer'd: We did not force him to go away in diſguiſe; and if he will force himſelf upon us again by *French* Dragoons, and *Iriſh* Cut-throats, we may and muſt oppoſe him; for our Allegiance is now transferred to another. Finally, there is no Injury to any but himſelf, and thoſe who run into voluntary Exile with him by his being out of the poſſeſſion; the Monarchy, the Law, the Church and Property are all in better Eſtate than in his time; and all theſe with innumerable

private

private Perſons muſt be irreparably injur'd by his Return in an hoſtile manner. So that there can be no reaſon to redreſs the ſufferings he owes to his own Faults, by ſo many publick and private Injurys. If it be pleaded that he who was born to a Kingdom really wants Subſiſtence, I reply, that if he would ſeek the Peace of *Chriſtendom*, and of his late Subjects, he might by a fair Treaty ſet on foot, not only reſtore the Exiles, but have a ſufficient and honourable Maintenance from this Government; but while the War he makes upon it, puts us to ſo great Expence, he cannot expect it, nor imagine we ſhould give him a Supply to enable him to ruin us.

Second pretence to deliver us from Oppreſſion conſider'd.

The *Second* Pretence why we ſhould aſſiſt towards his Reſtoration, is to deliver our Selves from the Oppreſſion we ſuffer under the preſent King: And to ſet off this with a better Gloſs, the late Reign is magnify'd by the Jeſuits and their Tools, and this blacken'd; Freedom from Taxes then is made a rare Inſtance of his Gentleneſs, and the preſent Impoſitions heighten'd with all the Rhetorick imaginable, to repreſent this King as an Oppreſſor. The flouriſhing of Trade then is extol'd, the Decay of it now odiouſly inſinuated, and great Hopes are given of Golden Days, upon the Return of *James* the Juſt; he is to make us all happy.

Now to anſwer this, there is no need to make a Satyr on that Reign, or a Panegyrick on this; that is ſo well remembred, and this ſo fully known, that all unprejudic'd People ſee on which ſide the Truth lies. But 'tis great pity they who have the Wit to invent or urge this Plea, have not a Memory to remind them, that none complain'd more of the Danger of Law and Religion, of our Lives and Fortunes in that Reign, than many who have this high Opinion of it now; the cruel Severities in the *Weſt*, the High Commiſſion, turning out of Office all good Proteſtants, attempting to reverſe all the Penal Laws, putting unqualify'd Men into all Places of Truſt, Profit and Power, excluding the Fellows of *Magdalen* College, and putting in Papiſts, with the Impriſonment and Trial of the Biſhops, were thought Oppreſſions then; but now all theſe are bury'd in Oblivion, and thoſe Taxes which the late King and his Ally of *France* with their Abettors alone make neceſſary to this frugal Prince, theſe are our only Grievance, and this King's unpardonable Crime. The late King had one Tax, and might, yea would have had more for the glorious Deſign of enſlaving his Subjects, if he could have got a Parliament to his Purpoſe, which he vigorouſly endeavour'd; and it was becauſe he was ſure he muſt ſatisfy his People in their juſt Complaints, when ever he ask'd a Supply, that he durſt not ask it of a freely choſen Parliament: yet then we were in Peace with all Nations, and now he hath intangl'd us in a War with the worſt Enemy in *Europe*. Aſſeſſments then were not needed but to haſten our Ruin; now they are abſolutely neceſſary to our Safety, and made ſo by him and his complaining Friends. Yet ſtill what Grievances are theſe Taxes, in compariſon of what is laid on the *French* Slaves, into whoſe Condition we were intended to be brought? There is a vaſt difference between loſing our Property for ever, and paying ſome part of our Profits to ſecure the reſt, and our Inheritances to our Poſterity as well as our ſelves. Beſides, ſhould we not leap out of the Frying-pan into the Fire, if to avoid tolerable Payments, we ſhould raſhly bring a fatal War to our Doors, that muſt laſt till more than one half of the Nation be deſtroy'd, and the reſt utterly and almoſt irrecoverably impoveriſh'd? This I am ſure is voluntarily to change our Whips for Scorpions. We have paid as much formerly for aſſiſting *France* to ruin *Europe*, and maintain Vice at Home, as now ſerves to deliver *Europe*, and ſecure our native Country and Religion from utter Deſtruction: Nor are the Sums conſiderable (reckoning the Abatement of Chimney-Mony) which we have paid to this Government; no Country in *Europe* hath paid ſo little in proportion to our Wealth, theſe laſt three Years of War: and if the late King return, *England* muſt pay all the Sums borrow'd of *France* to maintain him abroad, to keep *Ireland*, and to diſcharge the Forces that come to thruſt him on us, and muſt ſtay to compleat the happy Deſign of ſetting up Popery and Slavery, the natural Conſequences of his Reſtoration; and 'tis well if Arrears of Chimney-Mony, and other publick Monies be not call'd for to carry on ſo glorious a Work. So that if *England* rebel againſt the preſent King to avoid the Burdens now upon them, they expoſe themſelves to ten times greater Taxes for many Years, and it ca..nd in nothing but the utter impoveriſhing of the whole Nation, eſpecially the P.oteſtant part of it, who by their Poverty will become a more eaſy Prey. As for Trade, the Decay of it began in the late King's time, and it is the War which he and *France* have engag'd us in, that

The Nation happier now than if under King J.

ſtill keeps it at a low Ebb; ſo that for the late King's Friends to expoſe the preſent Government for this, is like a Conjurer's complaining of the Storms he raiſes. That ingenious Hiſtory of Biſhop *King*, of the State of the Proteſtants in *Ireland* under King *James*, makes it out, that the late King fear'd and hated the Increaſe of Trade, which made him uſe all Means to hinder it; and all the World ſees, that no abſolute Monarch (as he affects to be) likes that his Subjects ſhould grow rich by Trade. But our preſent King ſo ſoon as he can have Peace, will make it his firſt Care to promote Trade here, as he did in the Country he came from; and even in the difficult times he had, Trade has been a great part of his and his Parliaments Care. Finally, if Men can remember the times ſo lately paſt, when Law and Right was only the King's Pleaſure, dictated by Mercenary Judges, when no Party but the Papiſts flouriſh'd, when a general Conſternation had ſtopt all Buſineſs, they cannot hope to be happy by his Return, who caus'd all theſe Miſeries: And they muſt expect, now he has more perfectly learn'd the *French* Methods (of making a King the greateſt of Monarchs, by making his Subjects the vileſt of Slaves) that he will practiſe it with greater Induſtry and Application than ever, to put it eternally out of his Subjects Power, to protect themſelves again: For oppreſſing his People, which was but expedient before, will now be thought abſolutely neceſſary. So that nothing can be more improbable, not to ſay impoſſible, than for *England* to be happy under him, that attempted to make her miſerable without any Provocation, and muſt return with the ſame Principles and Deſigns, the ſame Counſellors and Intereſts he had before, and with all the Addition that Revenge, Hatred and Fear can make to an angry and implacable Mind. But it may be ſaid, his Dear-bought Experience of the ill Succeſs of theſe Methods, will make him rule more moderately, if he be reſtor'd: To which I reply, *Cœlum, non Animum mutat.* The fore-cited Book of Biſhop *King* demonſtrates, that after he had loſt *England* and *Scotland*, and a great part of *Ireland*, upon his Return thither from *France*, he was more arbitrary and hard to his Proteſtant obedient Subjects, than ever he had been before, even tho it was againſt his viſible Intereſt, and tended to diſguſt all the Proteſtants who would have ſerv'd him there. His declaring himſelf Papiſt at firſt here, and all his Actions ſince ſhew that he prefers his Will, and an obſtinate purſuing his own Methods, far above his true Intereſt; whence it follows, that we vainly expect from one of his Temper, that either his paſt Experience, or his future Intereſt ſhould teach him Moderation, any longer than till he hath Power to oppreſs us: And if he ſhould by a thouſand Promiſes or Oaths engage to rule by Law, his frequent breach of both hath given us no reaſon to truſt him; and the Religion he profeſſes can ſo eaſily diſpenſe with both, that neither of them give us any Security from that ſort of Obligations. The Intereſts of Popery and *France* require he ſhould be abſolute, and his Nature ſpurs him on to it, and nothing but Fear can for a moment reſtrain him from being ſo. What a Shadow of a Dream then muſt this be, of Proteſtant Subjects being happy under a bigotted Popiſh Prince of ſuch a Temper?

King J. no Friend to the Proſperity and Trade of the Nation.

Thirdly, Whereas 'tis ſaid we have chang'd our old Hereditary Monarchy into one merely elective, and by degrees ſhall bring it to a Commonwealth; nor can any thing prevent this (which will be of fatal conſequence to the Church) but our reſtoring the late King: I anſwer, the Poſition is falſe, and the Conſequence a mere Sham; the Government of *England* always was, and ever muſt be Monarchical; that twelve Years when it was endeavour'd to make it otherwiſe, convinc'd all Men, that all Projects to the contrary muſt come to nothing. As for this Revolution, 'tis not likely a Parliament which made an Entail of the Crown in a lineal Succeſſion, ſhould be for ſetting up a Commonwealth or altering the Hereditary Monarchy. If it be alledg'd, there was a great Breach as to the Perſon of the reigning King, 'tis reply'd, he himſelf made it, and they did not make but find the Throne void.

Third Pretence, to prevent a Commonwealth, examin'd.

And there have been greater Breaches ſince the Conqueſt as to the true lineal Succeſſion, and laying aſide, yea depoſing the reigning King, and ſetting up his Son, or a remoter Perſon, which indeed was an Injury to the Kings ſo depos'd; but ſtill the Monarchy was call'd and continu'd to be Hereditary. In our Caſe the King deſerted us, yea, left us without any Government; but we apply'd to his next certain Heir, with whom at her Requeſt, and for our Safety and hers, by general Conſent, a Title was given to her Husband and our Deliverer, but this only for Life, tho he be much nearer in Blood, by the Right of Succeſſion, than either *Henry* the Fourth, or *Henry* the Seventh, ſucceſſively made Kings of *England*. And the ſaving the Succeſſion to the Princeſs of *Denmark* and her Heirs, ſhews how far that Parliament was

K. J. made the breach in the Succeſſion.

No Commonwealth deſign'd.

was from deſigning any ſuch thing as a Commonwealth. We ſee *Philip* of *Spain*, who had no Title to be King of *England* but by his Marriage with Queen *Mary*, was made King at her Requeſt and in her Right; but he had not merited ſo much as our King, and therefore his Title was to ceaſe at her Death. As for the Prince of *Wales*, there are ſo clear Indications of his Birth being an Impoſture, and the Deſign of forming that Project is ſo known to be Revenge on the Princeſſes for adhering to their Religion, and to get more time to force Popery and Slavery upon us; yea his Health and Strength make it ſo unlikely he ſhould proceed from ſuch crazy Parents, that till the Parties concern'd prove the Affirmative by better Witneſſes and clearer Evidence, and the People of *England* in Parliament own him for the Heir, we need not go about the unreaſonable Task of proving the Negative: Wherefore ſince the breach in the Succeſſion was the late King's own Act, and only concerns his Perſon and a ſuppos'd unknown Heir, we are not to anſwer for that; and conſidering the hurry his unexpected Deſertion put all things in, and the abſolute neceſſity of a ſpeedy Settlement, the Friends of the old *Engliſh* Monarchy have juſt cauſe to rejoice it was made ſo near the old Foundation, with a ſmall and only temporary Variation from it, which was alſo abſolutely neceſſary in that Juncture of Affairs: And 'tis evident that there are many of the beſt Quality and Intereſt who hate the notion of a Commonwealth in *England*, and love Monarchy as well as any of the late King's Abettors, who freely conſented, and firmly adhere to this Eſtabliſhment. If it be objected that King *William* was bred up in a Commonwealth, and inclines to that Form of Government; 'tis anſwer'd, he doth and may like it in *Holland*, but they muſt ſhew ſome Inſtances that his Zeal for a Commonwealth is as hot and as blind, as King *James*'s for Popery, before they can prove him ſo deſperate a Fo to his own Intereſt, as to uncrown himſelf, and make himſelf the Peoples Vaſſal, when he is and may be their gracious Lord. If it be urg'd, that it is a dangerous Precedent for future Kings, to allow the People a Liberty to take away their Prince's Right, and ſet up another, on pretence of Miſgovernment: The Reply is, the late King was the occaſion of this Precedent, by firſt attempting to alter the whole frame of our Laws, Government and Religion, and then deſerting us. And if it be an ill Precedent for the ſafety of Princes, that the Advantage was taken, it was however neceſſary to take it for the Safety of the People, for whoſe good Heaven made Kings. Sure I am, there are as dreadful Conſequences of arbitrary Tyranny, as there are of Rebellion, witneſs the Miſery and Slavery of the poor *French* at this day; and it ſeems as neceſſary there ſhould be ſome Precedents to deter Princes from abuſing their Power, as well as to reſtrain the People from abuſing their Liberty: For both Tyranny and Rebellion are great Sins, and of moſt miſchievous Conſequence. Wherefore this unexpected Example may make our Kings more juſt and more apt to rule by Law, but it can never hurt the Monarchy it ſelf, or countenance a Rebellion, while a King is in the Throne that will ſtay to hear and redreſs his Peoples Grievances, which will never be denied by the preſent, or any other good King.

Pretended P. of Wal. *his Title expos'd.*

K. W. *not fond of a Commonwealth in* England.

The laſt Pretence is the moſt ſurprizing of all, That there is no way to preſerve the Church of *England*, no nor the Proteſtant Religion, but by reſtoring the late King, who it's ſaid in his Declaration promiſes this as liberally as he did it at his firſt Acceſſion to the Throne.

If Mankind were not the oddeſt part of the Creation, one would wonder how 'tis poſſible for Proteſtants to believe, that the Wolves deſign good to the Sheep: When the late King was here, he involved himſelf in infinite Miſchiefs, and did the moſt odious things in the World to deſtroy the Proteſtant Religion, and eſpecially to ruin the Church of *England*; And hath he given any Evidence of changing his Temper, his Principles, his Zeal, or his Methods? He ſhew'd in *Ireland* a greater ſpite to Proteſtants than ever; he hath liv'd in *France* ever ſince, where he hath ſeen how much it tends to advance his dear abſolute Power, to dragoon all Men into the King's Religion; his only Motives to draw in this Frenchify'd Pope to lend him Mony to invade us, is by convincing him, he loſt all by his Zeal to reſtore Popery, and by engaging he will uſe his Power (if he can regain it) only to promote the Catholick Intereſt. His other Ally the *French* Perſecutor, cannot be endear'd by any better Intereſt, till the Principal of the Sums lent are repaid by poor *England*, than by Aſſurance that he will make one Kingdom in the World as miſerable by abſolute Empire, and forcing one Religion, as *France* now is; that his Barbarity, Cruelty and Treachery may not be the infamous ſingle Inſtance of ſuch Proceedings: his

Laſt Pretence, to preſerve the Church of England, *examin'd.*

his Promiſes to his Allies, his Zeal, his Principles, and his Nature, all engage him to deſtroy the Proteſtant Religion. He attempted it when he was not half ſo deeply oblig'd, and can we think he will not purſue it now? 'Tis next to frenzy to think the Pope and King of *France* furniſh him with Mony, Ships, Forces, *&c.* only to ſecure the Proteſtant Religion and Church of *England*; he muſt be tied in more than ordinary Bonds, to endeavour the Ruin of both, or no ſuch Favours had been ſhewn by ſuch a Pope, and ſuch a Perſecutor. It cannot be Eaſe to *Roman* Catholicks he deſires; they are more at eaſe under King *William*, than under any Proteſtant King ever ſince the Reformation: It muſt therefore be the ſuppreſſing all other Religions, and ſetting up that alone, muſt engage *Rome*, *France* and *Lucifer* in his Reſtoration. As for his Promiſes to us in his Declaration, alas he hath already given greater and ſtronger to the Pope and French King to the contrary; and tho his Intereſt, and the Hopes that ſome will be ſo mad as to believe him, put him upon renewing theſe Promiſes to *England*, yet his Confeſſor can ſoon reſolve him which Promiſe is to be kept, whether that pious Catholick Promiſe to the Holy Father, and the Hector of that Cauſe, or that extorted one to Hereticks: Beſides, we ſhould remember the *Italian* Proverb, *God forgive him who deceives me once, but God forgive me if one Man deceives me twice.*

Roman Catholicks eaſy in England.

No Prince in the World ever promis'd with more Solemnity than the late King to protect the Proteſtant Religion, or the Church of *England*: yet nothing is more clear, than that he deſign'd to gull us only, not to oblige himſelf by this Proteſtation; and the firſt thing he did was to break it ſo ſoon as he durſt, and can we be ſo diſtracted to believe him again? He declar'd in *Irelana*, that the Church of *England* ſtank in his Noſe, and that he abhor'd it. He cannot truly love either any Perſon of that Perſuaſion, or any other Proteſtant; he may flatter ſome of them to get into the Saddle, but when they have mounted him he will ride over their Heads; his own Friends of the Proteſtant Religion are very few, and his Revenge on the far greater number who have oppos'd his Deſigns, will out-weigh the Kindneſs of a few inconſiderable Hereticks who abetted his Intereſt, and who will be told, that it was not ſenſe of Duty, but deſpair of obliging his Enemies that forc'd them into his Quarrel. They had ſufficient Experience after *Monmouth*'s Rebellion (ſuppreſs'd only by the Church of *England* men) how little any Acts of thoſe he counts Hereticks can oblige him; his Carriage in *Ireland* to the loyal Proteſtants, writ this in Capital Letters, and it muſt be ſuppos'd they have drank deep of *Lethe* who can forget all this. But I pray what is it the Church of *England* wants, or any other Proteſtant? This King is as ſerious and ſincere a Proteſtant, and as true a Lover of that Intereſt, as King *James* is a profeſs'd Enemy to it; and why may not he be more likely to preſerve the Religion he profeſſes, than the other to maintain that Religion which he vilely deſerted, and mortally hates?

No relying on K. J's Promiſes.

K. J. declar'd his abhorrence of the Church of England.

The Churchmen ſay, King *William* is too kind to Diſſenters, but hath he given them any other or more liberty than King *James* did? That King begun with Toleration, and it was not for a new Prince in a troublous ſtate of things to alter any thing of that Nature: Beſides, at the ſame time the Diſſenters do think the preſent King too kind to the eſtabliſh'd Church, not conſidering that 'tis the National Religion which he found, and keeps in poſſeſſion of all its Rights, as his Duty and Oath oblige him, yet ſo as the Diſſenters have Eaſe, and every thing but Empire, which from a prudent King of *England* they can never expect, being not only a leſs part of the Nation, but ſo divided among themſelves, that nothing can pleaſe all Parties of them; and therefore freedom to worſhip in their ſeveral ways, is all the favour they can be capable of in the beſt times, and ſo they are moſt unreaſonable to hope for more now.

K. W. not too kind to Diſſenters.

Beſides, let it be conſider'd, that our King is not only the Head and Protector of the Proteſtants of *England*, but of all the Reform'd Churches in *Europe*: And the *French* King (the main Wheel in this deſign'd Reſtroation) is ſo mortal an Enemy to the whole Reformation, that he deſperately weaken'd himſelf, and baniſh'd 30000 Families of uſeful Subjects, only to root the whole Profeſſion out of his own Dominions. And now can any rationally pretend, this preſent King will deſtroy the *Engliſh* Church, or the *French* Perſecutor, and his Client the late King of *England*, uphold it? My dear Brethren and Countrymen, do not ſo infamouſly abuſe your ſelves to believe ſo incredible a Fiction, ſo manifeſt a Cheat: Alas! all theſe good words are only to lull you aſleep, till you, at the peril of your Necks, get him Power enough to extirpate you and your Religion alſo. I doubt not but for a while he would maintain the eſtabliſh'd Church, and renew his Indulgence,

K. W. the Head of all Proteſtants in Europe.

because

becauſe he can get footing no other way; but it is eaſy to foreſee how ſhort-liv'd all theſe Sham-favours will be: They ſpring from Fear, and deſire of Opportunity to be reveng'd; and ſo ſoon as ever the Fear ceaſes, and that Opportunity comes, he will moſt certainly kick down the Ladder by which he aſcended, and pull off the Mask, appearing what he is in his Nature and Principles, and not what his Neceſſities have made him ſeem to be. So that if this Diſguiſe be credited, the Perſons impos'd on will and muſt pay for their Credulity, with the woful price of helping to deſtroy the moſt pure and flouriſhing Church in the World: In aſſiſting to reinſtate him, and fighting for him, they fight againſt their own Religion, which the Primitive Chriſtians for all their Heroick Loyalty would not do, and which no Man ought to do, either for Intereſt or Revenge. For my part, I think true Religion ſo far above all worldly Concerns, and the Preſervation of it ſo principal an advantage of Government, that the Prince who will certainly ſuppreſs that, muſt be more intolerable than he that would take away my Liberty, Eſtate, or my Life; and it muſt be a damnable Sin in me to aſſiſt him in it, or put him into a Capacity to do it. No Oath of Allegiance can bind me to this; it may oblige me to ſuffer, but not to act for ſuch a Deſign. Wherefore, for ſhame, let his *Iriſh* and *Engliſh* Popiſh Subjects alone carry on this impious Deſign, who can only hope for Advantage by his Reſtoration, and who are only bound in Conſcience to help him: Neuter we muſt ſtand at leaſt, and that will ſuffice to ſhew how contemptible a Party that is, which muſt be ſet up on the Nation's Ruin, and how impoſſible it is for him to cut down the Proteſtant Religion in *England*, without borrowing a handle from the Tree he would fell: Take warning by what is paſt. And what muſt be the inevitable Conſequence of your deſerting this King, or aſſiſting the late Prince, even the Ruin of this moſt famous Church of *England*, and the endangering the whole Eſtate of Proteſtantiſm through all *Europe!* In vain will you complain of this Conſequence, when it is too late to remedy it; your Guilt, Shame and Sorrow will then only remain, for having had a hand in ſo deplorable a Miſchief. For my part I have deliver'd my own Soul, and given you fair warning; God of his infinite Mercy open your Eyes in time, and grant you a right Judgment in this and in all things.

K. J. cannot maintain the Church of England long.

To ſuppreſs the true Religion the greateſt of Crimes.

Reflections upon the late King James's *Declaration, lately diſpers'd by the Jacobites.*

Printed in 1692.

THE late Revolution of Government in theſe three Kingdoms, has carried along with it ſo many Bleſſings to theſe Nations, and the reſt of Chriſtendom, both with reſpect to the Civil Rights of all, and the Religious Concerns of all that profeſs themſelves Proteſtants, that none but ſuch as are profeſs'd Enemies to humane Laws, and conſequently to all Governments but that of an abſolute Monarchy, which is a plain downright Tyranny, and to the Intereſt of the Proteſtant Religion, can be uneaſy under it, and refrain from hearty Acknowledgments to the Divine Goodneſs for ſuffering it to be brought about, when (God knows) we deſerv'd no ſuch Mercy at his hands, but to fall unpitied under all the Calamities we had in proſpect, and which many of us had been ſo inſtrumental in bringing upon our ſelves. And the remarkable Providences that attended it, and have ſo ſignally appear'd, both in the preſervation of his Majeſty's Perſon, formerly and now of late, and in the Succeſs of his Arms, have been ſuch, as to be only inferior to thoſe recorded in Sacred Writ, concerning the Delivery of the People of *Iſrael* from the Slavery they were under to the *Egyptians*. And yet as there were Murmurers among them, whom nothing would pleaſe but to make themſelves a Captain, and return into *Egypt*; ſo, to the reproach of this Age and Nation, we have

The Advantages of the late Revolution.

have Grumblers amongſt us, who ever ſince the Revolution have been confederating with the open and profeſs'd Enemies of their Country, their Religion, and the Civil Rights of all Nations, to undo all that has been done, and to bring us back again, not into the ſame, but a far worſe, and much more deplorable, becauſe irretrievable, Eſtate of Wretchedneſs and Miſery, than that was from which it pleas'd God to reſcue us in ſo unexampl'd a manner.

The Folly of expecting another.

Their Folly and Madneſs in hoping to mend their own Condition, or that of the Nation, by another Change of Government, is ſo ſtupendous, that I ſhall ſay nothing of it; for Men that can be ſo near the level of Brutes, as to believe any benefit can accrue to this Nation, by returning like a Dog to its Vomit, are uncapable of being argu'd with, perſuaded to, or inform'd of any thing whatſoever. And if they know and believe, which they muſt do if they are capable of knowing and believing any thing, that the Reſtoration of the late King *James* by the power of *France*, would be the utter Ruin (to all human appearance) of the Laws, Liberties and Religion now eſtabliſh'd and profeſs'd in and by this Nation; their execrable Villany in engaging in ſo black a Conſpiracy, is ſuch as muſt render them odious to God and Man, as being no better than very Devils in human Shape.

But ſince common Charity inclines me to believe no men do Miſchief for Miſchief's ſake; I can more eaſily pronounce them Fools than Knaves: and the deſign of this Paper is to prove them to be Fools, by the greateſt Inſtance of their Folly that has yet appear'd in publick; which is a Declaration printed and publiſh'd here, in the name of the late King *James*, inviting all his loving Subjects to return to their Duty and Allegiance, and to aſſiſt him againſt the Prince of *Orange* and his Adherents.

The Deſign of the Declaration at the time of its Appearing.

That pretended Declaration has been induſtriouſly diſpers'd in ſeveral places in and about this Town, and that very lately, even ſince the Fleets were engag'd, but before the News came to Town of their Majeſties Succeſs; and an Advertiſement written upon it, that the *Engliſh* and *Dutch* Fleets were worſted. By which we ſee not only how induſtrious they are in the carrying on of their Deſign, but how great Aſſurance they had of accompliſhing their execrable Treaſon; not queſtioning, but that thro Treachery in our Fleet, the *French* would prevail, and then the Sea being open, the Troops in *Normandy* prepar'd for a Deſcent upon *England*, would preſently be wafted over, with the late King *James* at the Head of them, who would have little or nothing to do, by reaſon of the Force he was to bring with him, the Aſſiſtance that was prepar'd for him here, and his ſuppos'd Intereſt in our Army (which I preſume is much the ſame with what they perſuaded him he had in the Navy) but to take poſſeſſion of what the Coxcombs call his Right. But as they have been hitherto baffled in all their other Attempts, ſo they are at preſent (Thanks be to Almighty God) in this greateſt and laſt Effort they will ever be able to make. The Defeat of the *French* Fleet has daſh'd all their Expectations; and it is to be preſum'd, has render'd them and their Intereſt as deſpicable in the Eyes of their Patron *Lewis* XIV. as they were before in the Eyes of all wiſe and honeſt Men: Inſomuch that I know not whether it be now worth while to offer at an Anſwer to the pretended Declaration, or at making any Reflections upon it, which has receiv'd ſo very ſeaſonable, ſo full, and ſo late an Anſwer from Providence it ſelf. Yet having deſign'd to ſay ſomething to it from the firſt time I got a ſight of it, and having perus'd it carefully in order thereunto, I am not willing to be balk'd of my fancy, tho they are of theirs: And this benefit at leaſt may redound to the Nation by expoſing it, to wit, the enabling them to ſet a greater value upon the Mercy of God, in fruſtrating the helliſh deſign that was form'd againſt them, by acquainting them, even from the Invitation that was made to them in the late King's Name to return to their Allegiance, what a condition they were like to be in under his Government.

Perhaps the Penmen of this Declaration might have done their Cauſe as much Service by the publiſhing of it without any mention of the *French* King at all, as they are like to do by acknowledging in the Introduction to it, 'The Promiſes 'made by him to the late King, to aſſiſt him in the Recovery of his Kingdoms, as 'ſoon as the Condition of his own Affairs would permit it: And the *French* King's 'lending him ſo many Troops as may be ſufficient to untie the Hands of his Sub'jects, and make it ſafe for them to return to their Duty, and repair to his Stan'dard. 'They cannot but know how odious the *French* Tyrant is to the People of this Nation, and they ought to know that it is juſt he ſhould be ſo; for that both we and all his Neighbours look upon it, as one of the dreadfulleſt Calamities that in

The Fren. K's Promiſes to K. J.

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an ordinary courſe of Providence can befal a Nation, to come under his Power, or lie at his Mercy. The Friendſhip betwixt the late King and *Lewis* XIV. was none of the leaſt Diſguſts that his Government gave to the Nation; we look'd upon our ſelves as reſerv'd to be ſwallow'd up laſt, when by his Succeſſes upon the Continent, and the daily Increaſe of his Power by Sea, he ſhould be grown too powerful for us to cope with. A War againſt *France* was the Cry of the Nation for ſome years; and now that we have a War with *France*, a War proſecuted with Vigor, and in which ſo many Princes and States are concern'd as well as our ſelves, a War in which we have great Proſpect of Succeſs both by Sea and Land, and by which in all likelihood the Tyrant's Power will be broken, and the Nation ſecur'd from him and his Succeſſors; theſe fine-ſpun Politicians would have us return to his Friendſhip *gratis*, accept a King from him, let in his Troops, and be at his Mercy: And with ſuch a blunder as this, they repreſent their pretended King, as beginning his Harangue to his *quondam* Subjects, to perſuade them to play the Fool and become ſo again.

The Pretences of Oppreſſion conſider'd.

It's as ſilly to put theſe words into his Mouth, *We come to deliver our Subjects from the Oppreſſions they lie under.* What part of the People of *England* lie under any Oppreſſions from the preſent Government? Taxes given by Parliament were never accounted Oppreſſions, for they are legally due. If they are now ſomewhat greater than ordinary, 'tis a ſign indeed how deſirous the People are to return to their Allegiance, when they give ſuch extraordinary ſums of Mony to ſupport the Government under their preſent Majeſties, in oppoſition to the late King and all his Adherents. To imagine any thing elſe under this Government that looks like Oppreſſion, is to rave; and if any ſuch thing were,

Quis tulerit Gracchos de Seditione quærentes?

They complain that the People were 'cheated into the late Revolution by the 'Arts of ill Men, and by the Prince of *Orange*'s Declaration, which was then ta-'ken upon Truſt, but was falſe in all its parts, and contain'd Promiſes which were 'never intended to be perform'd. It's a ſtrange unaccountable degree of Impudence that ſome Men arrive at, and I am apt to think the Penmen of this Declaration are ſecond to none, who have the face to affirm publickly, that the Prince's Declaration was falſe in all the parts of it; whereas the whole Nation knows, that it conſiſted of a Scheme of the late King's Miſgovernment, and enumerated the ſeveral Methods that were taken by him, and his evil Counſellors, to ſubvert the Laws and Religion of this Nation; all which Methods there mention'd, were in every Particular not only true, but notoriouſly known to the whole Nation ſo to be, and were indeed the only things that juſtify'd and warranted what was then done. And to ſay thoſe things are falſe, ſhows how lamentably our Traitors are put to't for Arguments, ſince they are forc'd to make ſuch palpable Lies their Refuge. As for the Promiſes, which they ſay were never intended to be perform'd, I ſhould return them an Anſwer, if the Authors of the Declaration had mention'd, or if I my ſelf could have call'd to mind any thing that look'd like a Breach. But till then it may be enough to put them in mind of the late King's Promiſe upon his firſt Acceſſion to the Crown, and of his Promiſe at his Coronation, which was ſolemnly ſworn to, and to appeal to their own Conſciences how well either of them were kept.

No Amendment promis'd.

One would have thought, that in a Declaration pretended to have been emitted by a Prince, from whom his Subjects had withdrawn their Allegiance for his Male-Adminiſtration, to perſuade and encourage them to receive him again, and re-admit him into the Government, ſomething ſhould have been ſaid, either to juſtify thoſe Proceedings for which they took offence at him, or to excuſe them, and promiſe amendment for the future. But no ſuch thing is ſo much as offer'd at in this Declaration; ſo far from that, that the Revolution is aſcrib'd to an ambitious Deſign of the Prince of *Orange*, and an Infatuation upon the People. They make the King ſay, 'That when he heard of the unnatural Deſign of the Prince of *Orange* 'of invading the Kingdoms, he refus'd the *French* King's Aſſiſtance, and caſt him-'ſelf wholly upon the Courage and Fidelity of his *Engliſh* Army. And this they call, Taking things from the Beginning. Whereas if they would really have taken things from the Beginning, they ought to have begun with the late King's raiſing Mony without Authority of Parliament, with the barbarous Murders committed in the *Weſt* by his Orders, with the bare-fac'd ſetting up for Popery, his erecting illegal

Illegal Actions committed by K. J.

illegal Judicatures, ſuſpending the Execution of Laws, filling Church-Benefices and Courts of Judicature with ſuch Perſons as would be ſubſervient to the carrying on of his Deſigns, without any regard to their Integrity or Abilities; the invading the Rights of all Corporations by *Quo Warranto*'s, and Surrenders of Charters, in order to the packing ſuch a Parliament as might ſubvert the Government under a colour of Law: And to make good theſe bold Attempts upon the People, his raiſing a Standing Army in time of Peace, without Authority of Parliament, which was neither better nor worſe than waging a War againſt his own People. Had not theſe and many ſuch Enormities been committed during that ſhort Reign of his, whatever ambitious Deſign the Prince of *Orange* might have conceiv'd, the late King would have retain'd his Sovereignty to this day. But the Government being ſuch as the People found themſelves not ſafe under it, as neither enjoying the benefit of the Laws for the preſent, and having nothing in proſpect but an Entail of Popery and Slavery upon them and their Poſterity; they were very ready to lay hold of the Deliverance which God Almighty preſented them with, and with open Arms receiv'd the Prince of *Orange*, as being ſent, and ſo he was, by Almighty God, upon as glorious an Errand as ever Man had the honour to be imploy'd in, to wit, the reſcuing an oppreſſed People from the Jaws of Deſtruction. Their complying with the Prince in aſſiſting him to promote the Ends of his Declaration (which if they had neglected to do, they had been moſt extremely ungrateful to God and Him, wanting to themſelves and their Poſterity, and the juſt ſcorn of Mankind) is by the Authors of this Declaration, moſt impudently aſcrib'd to an Infatuation upon them. Which is a pretty odd way of perſuading a Nation to receive a diſpoſſeſſed Prince again, to call them Fools for rejecting him, without making any inquiry into, or offering at any Anſwer to the known Reaſons for which they did it.

The Pr. of Orange *vindicated.*

The Prince of *Orange*'s Expedition is term'd an *Unnatural* Deſign of invading the Kingdom. The Prince had no deſign of invading the Kingdom, but could not come over with any ſafety, without ſuch a Strength as might be able to defend him againſt an illegal Force rais'd here. But the terming of his Deſign *unnatural*, becauſe forſooth of the Relation he has to the late King by Blood and Marriage, proceeds from the ſilly Conceptions of thoſe narrow-ſoul'd Mortals, who cannot diſtinguiſh betwixt a Kingdom and a Family; and think a whole Nation ought to periſh, rather than a Nephew and Son-in-Law ſhould ſave it, whether his Uncle and Father will or no. Not to mention the Concern the Prince had upon him, by reaſon of his own Intereſt in the Succeſſion.

To defeat this Unnatural Deſign, the Courage and Fidelity of the *Engliſh* Army was what the Authors of this Declaration tell us the late King rely'd on. Whereby they make him own, as the truth is, that his Government and Carriage towards his People had been ſuch, as he conceiv'd he had but little Reaſon to rely upon them. And if then they ſaw Cauſe to deſert him, when his Reliance and Dependence, next under God, was an Army of our own Countrymen, how much leſs reaſon have they to receive him again now, when they ſee he relies upon an Army of Foreigners, profeſs'd Enemies to the Nation, and Subjects to a Prince, whoſe Power and our Safety are things incompatible?

K. J. endeavours to hinder the Prince's Deſign.

They tell us, that when the King had notice of the Prince's Deſign, 'He took 'what care he could to prevent the Miſchief, by undeceiving the People, tho he 'was not believ'd till it was too late: That the Infatuation being ſuch as to take 'hold of the vital Parts of the Kingdom, and ſpread it ſelf through his Army, his 'Court and Family, and the Revolution coming on ſo faſt, that he found himſelf 'wholly in his Enemy's Power, it was time for him to conſult the Safety of his 'Perſon, by withdrawing from the Guard of Foreigners that was ſet upon him; and 'arriving in *France*, the only Place in *Europe* to which he could retire with ſafety. And this withdrawing himſelf in the Circumſtances he then was, the Penmen of the *Declaration* make him complain of, for being conſtrued *by the Prince of* Orange's *Faction in* England *to be an* Abdication; *a word, when apply'd to Sovereign Princes, that never ſignify'd any other than a voluntary Reſignation of a Crown, as in the Caſe of the Emperor* Charles *the Fifth, and the late Queen of* Sweden. The Convention that did this, they call, 'A company of Men illegally met together; *and make an hideous Outcry, that* 'they, who by their own confeſſion had no Power to charge the leaſt 'Subject of the Realm (for it was before they had voted themſelves a Parliament) ſhould yet deſtroy the whole Conſtitution of the Government, to make 'an antient Hereditary Monarchy turn Elective, and ſettle the Succeſſion in ſo odd 'and extravagant a manner.

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The Deſign of this long Diſcourſe is to ſhow, *That the King's abſenting himſelf out of the Kingdom, when he apprehended himſelf not ſafe in it, was improperly term'd an* Abdication; *and that the Convention had no Authority to do what they did.* To the latter of which I ſhall ſay nothing but this, That enough has been ſaid already to vindicate the Authority and Juſtice of their Proceedings, and that they have been prov'd abundantly to be warranted by the Laws of this Realm, and the practice of their Anceſtors in the like Caſes; and have ſince been juſtify'd and declar'd to be legal by a Parliament call'd according to form: And that if all that were wanting, yet there was and is another Law, ſuperior and antecedent to the Municipal Laws of Nations, call'd *the Law of Nature* and *Right Reaſon*, which ſuch abject Souls as the Penmen of this Declaration are endow'd withal, are not acquainted with; by which it is not only lawful, but a Duty incumbent upon all Nations, to provide for their own Safety and Security by the beſt and moſt prudential Methods, that it ſhall pleaſe God to direct them to when the Government is off the Hinges, whatever becomes, or however they ſhall think fit to diſpoſe of thoſe Princes, whoſe exorbitant Abuſe of the Legal Power committed to them, has brought them into Diſorder and Confuſion. *The Proceedings of Parliament vindicated.*

As for the word *Abdication*; indeed our Lords and Commons did not think convenient to conſult Grammarians, and little pedantick Scholars, about the propriety of a word when the Safety of a Nation was at ſtake. They did a juſt, lawful, honourable and neceſſary Work, and made uſe of ſuch Expreſſions as they thought fit. But the Penmen of this Declaration, if at leaſt they have inform'd themſelves in ſome meaſure of the common acceptation of the Word out of ſome Civil-Law *Lexicon*, do not underſtand, or induſtriouſly conceal how the Convention us'd and apply'd it. They do not call the King's bare withdrawing himſelf an *Abdication*; the words of their Vote run thus, *viz.* 'That the late King *James*, 'having by the Advice of Jeſuits, and other wicked Men, broken the Original 'Contract betwixt King and People, and endeavour'd to ſubvert the Fundamental 'Laws of the Realm, and ſince withdrawn himſelf, hath abdicated the Govern-'ment, *&c.* So that the Abdication relates to the whole, his endeavouring to ſubvert the Fundamental Laws, as well as his withdrawing himſelf. And a Prince may properly be ſaid to wave or forego his Legal Authority when by endeavouring to ſubvert the Laws upon which it is grounded, he aſſumes to himſelf an Arbitrary and Tyrannical Power inſtead thereof. If the Convention thought fit to call this an *Abdication*, all Men but Pedants, and Men of *Dictionaries*, will allow ſuch Aſſemblies to conceive their Votes in their own Expreſſions, nay tho they ſhould proceed ſo far as to ſtamp a new Signification upon an old Word. I will not ſay that King *James*'s forfeiting his Crown by his Miſgovernment, and their depoſing him for it, was what he did, and what they meant, however they thought fit to expreſs themſelves: but this I know, that the *Scots* ſpoke plain *Engliſh*. *Abdication vindicated.*

One Obſervation more I muſt make upon this Paragraph; to wit, *That when the late King thought fit to leave* England, He look'd upon *France* as *the only Part in* Europe *to which he could retire with Safety.* By which we ſee how much that Prince is in the Intereſt of his People, who could think himſelf ſafe no where elſe but with their mortal Enemy. *K.* James *thought himſelf ſafe only in* France.

In the next Paragraph the Penmen of the Declaration put us in mind, *how little the Kingdom is a Gainer by the Change*; and inſtance in three Particulars, wherein they would have us think our ſelves loſers by the Bargain; viz. *The expence of* Engliſh *Blood, the loſs of Ships, and the Sums of Mony that have been drain'd from us.* They mention to us, *how great things might have been done with the expence of ſo much Blood as has been ſhed in this War*; but do not tell us, what things in particular we might reaſonably expect would have been attempted to have been done. And we know very well, that there was not then, nor is now, any other occaſion of Expence of *Engliſh* Blood, but to pull down a Tyrant, whom the Friendſhip and Alliance of our two late Kings rais'd to ſuch a height of Power, that neither we, nor any Nation about him, can have any proſpect of Security till it be abated. 'Tis ridiculous to ſay, *We ſhould not have had a* French *War if we had kept the late King.* For he would have been growing in Strength, till we, tied up with our King's Alliance with him, from checking him in his Career, ſhould have become an eaſy Prey to him. His pretended Friendſhip to King *James*, were a miſerable Security for the Nation to have rely'd upon. We know how much *Engliſh* Blood was ſhed in a late Reign to deſtroy a Proteſtant State, and by whoſe Counſels thoſe two miſchievous Wars were ſet on foot; and may gueſs by that which way the Power of *The Expence of War ſatisfy'd.*

this Nation would be turn'd if ſome body had the ordering of it again. As for the loſs of Ships, and payment of Mony, they were both the neceſſary Concomitants of a War. And notwithſtanding the loſs of ſome Ships, which is to be lamented as a loſs to the Nation, ſuch is the Care of the Government, that the Navy is in as good, if not a better Condition than ever. As for Mony, the People of *England* have never been unwilling, under former Tyrannies, to be at the Charge of their Deliverance; nor ever grudg'd to pay Taxes when the Exigences of a good Government requir'd it; nor are they ſo void of common Senſe, as to return to Slavery to ſave Charges.

The next Paragraph in the Declaration, is Railing and Prophecy; *Uſurper*, *Nero*, *Fraud* and *Violence*; and *that the beginning of Tyranny will prove the mildeſt part of it.* But his Majeſty is above their Scolding; and for their Prophecy, we are willing to appeal to the Event.

Benefit of Poſterity pretended.

Then they adviſe us to conſult the Benefit of our Poſterity, and tell us, That 'if it ſhould happen, as one of the ſevereſt Judgments of God upon this Nation, 'that the late King ſhould not be reſtor'd during his Life, yet an undoubted Right 'to the Crown would ſurvive in his deareſt Son the Prince of *Wales*, and his Iſſue; 'and ſuch other Sons as (the Queen being now with Child) he may happen to 'leave behind him. And they tell us upon this occaſion, what Calamities the Commons underwent by Plunder and free Quarter in the Contention betwixt the two Houſes of *York* and *Lancaſter*; and that ſuch Struggles will always be, where there is an injur'd Right, and an unjuſt Poſſeſſion.

'Tis not the Intereſt of England *to reſtore K. J.*

The Argument here is no other than this, *viz.* It is the Intereſt of the People of *England* to reſtore King *James*, and undo again the preſent Settlement for fear of a Civil War, God knows when, to be occaſion'd by the late King's Male Iſſue, vindicating their pretended Right. We muſt return to Slavery for fear of a Civil War; that is, to all the Calamities that being conquer'd can bring upon us, rather than run the hazard of being engag'd in a War in our own Defence. But God be praiſed, a Civil War upon that ſcore is very remote in proſpect. For who ſhould abet the pretended Prince of *Wales* his Title? Our Male-contents are too inconſiderable a body of Men to give the Government any diſturbance. They have not been able to do it all this while, notwithſtanding the Difficulties we have ſtruggled with in *Scotland* and *Ireland*, notwithſtanding their Encouragement and Aſſiſtance from *France*. What will they ſignify when all things being quiet at home, and the *French* Power broken abroad (which theſe very few Days laſt paſt are ſo happy a Preludium to) they ſhall be left alone to aſſert the Title of a Popiſh young Prince, whom the Nation does not know, nor ſo much as believe to be any Prince at all? But that bloody Wars, the extirpating of many Noble Families by Executions and Attainders, Plunder and Free-quarter of and upon the Commons, enſued upon the Contentions betwixt the Houſes of *York* and *Lancaſter*, is in a great meaſure true: But thoſe two Families were not of a different Religion, no Diſcontents nor fears of Innovations under either of them; no arbitrary Power dreaded. The Princes of thoſe two Lines were both very powerful by their Intereſt in the Nobility and Body of the People: Whereas the pretended Prince of *Wales* his Intereſt will be, if any where, amongſt a very few Grumblers only; whom all conſidering Perſons muſt needs be aſham'd to ſide with, conſidering how unſucceſsful they are in all their Attempts, and how fatal it has been but within theſe few days to a very great Prince, to ſuffer himſelf to be fool'd into their Cauſe.

The Penmen of the Declaration in their next Paragraph, out-do themſelves in Folly and Extravagancy: They remind how great Advantages might have been had againſt the Common Enemy, and what an opportunity there was of *enlarging the Bounds of the Chriſtian Empire, greater than any that ever were ſince the declining of the Roman*, if this preſent War had not been; which they would inſinuate to us has been occaſion'd merely by the late King's being diſpoſſeſt of his Power. To believe which we muſt take for granted that the *French* King has engag'd in this Quarrel, out of pure good Nature to his injur'd Ally; and that if their late King *James* had continu'd in his Government, *Europe* would have been at a perfect Peace within it ſelf. But we all know that the *French* King for thirty Years laſt paſt has neglected no Opportunities to diſturb the Peace of *Europe*; that his aiming at an Univerſal Weſtern Empire, has occaſion'd all the Convulſions that ſo great a part of *Europe* has undergone in all that time; that *England* was capable of putting a ſtop to his ambitious Deſigns; and that he being very ſenſible of it, cultivated an Alliance with our two laſt Kings, to tie up the Hands of the *Engliſh* Nation from obſtructing

The Fr. K. the Author of all the Wars in Europe.

obſtructing his Growth: That under a Proteſtant and an Heroical Prince, a Prince deſervedly his Enemy, becauſe he is the Enemy of Mankind, *England* would be let looſe upon him (as we ſee at this day to his ſorrow) And therefore it was that he ſtruck in with the Intereſt of the late King, knowing that under his Government we ſhould not be capable of moleſting him. So that 'tis the *French* King's Ambition, and not King *James*'s Abdication, that is the Cauſe of the War. O but the Chriſtian Empire might have been enlarg'd. Who ſhould enlarge it? The *French* King. Who contracted an Alliance with the *Grand Seignior*, and encourag'd him to make War upon the Chriſtians, who in order thereunto ſent him Officers, Soldiers and Ingineers to inſtruct his People in the Art of War? Or might the Emperor of *Germany* have been more at leaſure to do it, if he were not engag'd as he is in the Confederacy againſt *France?* Beſides, that the Suppoſition is wild and extravagant, how ſenſible a thing is it, That a Weſtern Proteſtant Kingdom ſhould be perſuaded to let in Popery and Slavery, that Eaſtern Papiſts may be more at leaſure to fight againſt the Turks? Such fulſom Nonſenſe do thoſe Men accoſt us with, and would have us believe that ſuch Traſh was emitted by the late King's Order; whom if they had that Honour for which they pretend to have, by aſſerting his Title ſo indefatigably, they would not have caſt ſuch a blemiſh upon his Underſtanding, as to aſcribe ſuch a Paper as this to him; at leaſt not to have inſerted ſo ſilly a thing as this in it.

The Fr. K. in league with the Turks.

While the late King remains unreſtor'd, they tell us, 'No proſpect of a Peace is 'capable of being formed; but that being done, the thing will be eaſy, and he will 'uſe his Endeavour with the moſt Chriſtian King to effect it. I thank God the Nation is not yet ſo weary of the War as to accept of a Peace upon thoſe Terms: Nor have we any reaſon to believe, that whenever it ſhall pleaſe God to ſend us Peace, we ſhall be beholden to the moſt Chriſtian King for it. The deſtruction of his Navy will in a great meaſure diſable him from *giving Peace to Chriſtendom.*

No ſolid Peace pretended without reſtoring of K. J. examin'd.

The next thing that occurs, is their forbidding us to *contribute to the ſupport of the preſent Government, by collecting or paying Taxes*, &c. But it will be time enough for them to command that, when their King is in poſſeſſion of ſome part of the Kingdom again; then he may forbid them that are under his Power to pay Taxes to any other; till then the People will pay to the Powers in being. And they have the leſs reaſon to expect our Obedience to this part of their Declaration, becauſe I cannot learn that any of their own Faction here in *England* refuſe to pay their Taxes impos'd by this Government. They would do well to ſet us a good Example; but inſtead of that, in direct oppoſition to and in contempt to their Maſter's Authority, ſome of them contribute to the ſupport of the Government more than we do, by paying double.

But to ſhow how merciful a Prince their Maſter is, tho the whole Nation has offended him, he will not be revenged upon all of it: Some ſhall ſurvive his Indignation, that he may not be without Subjects. He therefore excepts only,

Perſons excepted out of K. J's Pardon.

'1. About thirty Perſons by name.
'2. All ſuch as offer'd perſonal Indignities to him at *Feverſham.*
'3. All thoſe, who as Judges, Jury-men, or otherwiſe, acted in the barbarous 'Murders of Mr. *John Aſhton* and Mr. *Croſs*, or any others that have ſuffer'd for 'their Affection and Loyalty to him.
'4. Spies, and ſuch as have betray'd his Councils.
'5. Such as ſhall appear in Arms againſt him at his landing.
'6. Such Magiſtrates as ſhall not cauſe his Declaration to be publiſh'd upon the 'receipt of it.
'7. Goalers of Priſons, that do not diſcharge out of Cuſtody all Perſons com-'mitted for their Loyalty to him.
'All others, how guilty ſoever they may have been, ſhall have their Pardons un-'der the Broad Seal of *England*; and the Parliament ſhall have it recommended to 'them, to paſs an Act of Indemnity for quieting the Minds of all People.

Reflections upon it.

They that pen'd this Declaration, take upon them very freely to hang and ſave whom they pleaſe; and well they might, if their Game had been ſo ſure as they apprehended. They thought their Deſign ſo laid, that there was no room left for Fortune, nay ſcarcely for Providence to blaſt it. We know what they had in proſpect; to ſee the late King land at the head of betwixt 20 and 30 thouſand *French*, *Iriſh* and *Scots*; the *Dutch* Fleet deſtroy'd, and ours betray'd into their hands: An

Inſur-

Inſurrection here to join with their King, and bring him to his Palace: The Army to revolt: The Queen to be ſeiz'd, and the King aſſaſſinated: And all this ſo laid, as to be deſign'd to be effected at one and the ſame time.

Exod. cap. 15. v. 9, 10, 11. *The Enemies ſaid, I will purſue, I will overtake, I will divide the Spoil; my Luſt ſhall be ſatisfy'd upon them: I will draw my Sword, my Hand ſhall deſtroy them.*

Thou didſt blow with thy Wind: The Sea cover'd them: they ſank as Lead in the mighty Waters.

Who is like unto thee, O Lord, amongſt the Gods! Who is like unto thee! glorious in Holineſs, fearful in Praiſes, doing Wonders!

The Officers and Soldiers of the Army that will quit the Uſurper's Service, and return to their Duty, &c. *ſhall have all their Arrears paid them: And the Foreigners ſhall be tranſported to their own Countries, or whither they ſhall reaſonably deſire.* This perhaps it would be in the late King's Power to perform, if he were once got into poſſeſſion of the publick Revenue. But who ſhall pay the *French* King the vaſt Expence of this War, which he has engag'd in for King *James* his Reſtoration? Will thoſe Arrears be remitted; or muſt we, who are pretended to be oppreſs'd already under this pretended Tyranny, come under real Oppreſſions, under a Tyranny truly and properly ſo call'd; and have all we have taken from us, and little enough too, to repay the *French* King's Charges for above three years War, and the loſs of ſo many of his Subjects, and now of late for the loſs of his Fleet? or muſt our Fleet be deliver'd to him in lieu of his own, which has been loſt in our pretended King's Service? They that adviſe us to receive the late King again in order to ſave Charges by living in Peace, and think we cannot but be induc'd thereunto by caſting up our Accounts, and perceiving how much we are loſers by the Bargain, may aſſure themſelves, that tho we have not caſt up this Account (becauſe it exceeds our Arithmetick) yet we are very well appriz'd that it will amount to an infinite Sum; and are not ſo mad as to carry the Cauſe and pay Coſts.

The Fr. *K. pretends to be paid.*

Church of E. to be protected. The farther they proceed the more ridiculous they grow. *The Church of* England *as eſtabliſh'd by Law, is to be protected in all its Rights and Privileges, and upon the Vacances of all Spiritual Livings and Dignities in the King's Diſpoſal, they ſhall be fill'd up with the moſt worthy Perſons of their own Communion. And Liberty of Conſcience ſhall be recommended to the Parliament to be eſtabliſh'd by Law, as a laſting Bleſſing to theſe Kingdoms.* What would the Nation have more? The Great *Lewis* the 14*th*, who has extirpated the Proteſtant Religion in his own Kingdom, is for the Church of *England* here in this. The late King, who endeavour'd the Subverſion of it, and in a manner openly diſown'd the Protection of it whilſt he was here, not only by the whole Courſe of his Actions and Government, but by diſowning himſelf to be the Head of it, by diſcountenancing the Oath of Supremacy, and ſubmitting himſelf to another Head in Spirituals, will upon his Return ſteer another Courſe, and protect the Church of *England* as eſtabliſh'd by Law; and his Word muſt be taken for it now, tho a more ſacred thing than the Word of a King could not bind him heretofore. He that in *Ireland* ſhew'd ſufficiently what he would do in *England*, as ſoon as he ſhould have Power, contrary to what he there promis'd as ſolemnly as he can do by any Words that the Pen-men of this Declaration are able to put into his Mouth (as any Man may be inform'd, that will take the pains to read that excellent Book of Dr. *King*, who was an Eye-witneſs of his Conduct there) will recede from his Principles and act contrary to his own Nature here, and that in favour of a People, againſt whom he is exaſperated to the utmoſt degree of Extremity, and upon whom he will have it in his Power to execute his Revenge, if ever by the Power of *France* he ſhould come to be re-inſtated in the Government. The very naming of the Church of *England*, which was ſo odious to him formerly, and is much more ſo now, that he looks upon them as Men, who by their Carriage to him at the time of the late Revolution, contradicted their own Principles, and are no longer to be truſted and rely'd upon by him, yet muſt be ſuppos'd ſo ſilly, as to believe him upon the bare Words of a Declaration, publiſh'd, in all likelihood, without his Order, or ſo much as his Knowledg.

This pretence conſidered.

K. J. his Conduct towards the Proteſtants in Ireland.

They make him promiſe, 'That Vacancies of Livings in his Diſpoſal, ſhall be 'fill'd up by the moſt worthy Men in the Communion of the Church of *England*. But they tell us not who they are that muſt judg of their Worthineſs. And we know that if he receives Characters of them, from ſuch as recommended Men to him formerly, to be prefer'd both in Church and State, we are like, for the moſt part, to ſee Men advanc'd to Livings and Dignities in the Church, that are and will be a Scandal to their own Communion.

As

As for Liberty of Conſcience, that Doctrine ſounds ſo vilely from St. *Germains*, that it's an inſufferable Impoſition upon our Underſtandings to mention it. *No Liberty of Conſcience intended.*

In the two laſt Paragraphs they promiſe for him, 'That he ſhall reſtore the Navy 'and Stores to the Condition they were in when he left them, to increaſe the 'Trade and Bullion of the Kingdom, and ſpend the Remainder of his Reign (as 'he always deſign'd ſince his firſt coming to the Crown) in advancing the Greatneſs 'of the Monarchy, and ſettling it upon its true Foundation, the Unity and Affec-'tions of the People. Then (as having given Reaſons ſufficient to draw the Peo-ple over to him again, and anſwer'd all Objections to the contrary) they threaten ſuch as ſhall yet remain obſtinate, 'with falling under the Severity of his Juſtice, 'and being accountable to God for the Blood that ſhall be ſhed in this Quarrel.

Theſe are all the Arguments, Promiſes and Threatnings made uſe of in that long Declaration; which are ſuch as in my Opinion, the Declaration it ſelf might very well have been ſpar'd: for thoſe few that are already in the late King's Intereſt, needed no Declaration to invite them to return to their Allegiance; and ſuch as adhere to the preſent Government (which God be thank'd is infinitely the greater part of the People) do ſo upon Principles, which are not ſhaken in the leaſt, nor indeed ſo much as touch'd upon in this Declaration. But for Faſhion-ſake, a Declaration muſt be had, and for Faſhion-ſake I have made ſome Obſervations or Reflections upon it; which how conſiderable ſoever they may be, cannot poſſibly be ſo weak as their Subject.

A true Account of the horrid Conſpiracy against the Life of his ſacred Majeſty William III. *King of* England, Scotland, France *and* Ireland, *&c.*

Printed in 1692.

Setting forth by whom it was contriv'd: How it was to be carry'd on; And the Manner of its Diſcovery.

SOME of the Miniſters in the higheſt Employments, and of the greateſt Credit in the *French* Court, having form'd a Deſign to aſſaſſinate his Majeſty of *Great Britain*, they made choice of one *Bartholomew de Liniere* Kt. Sieur *de Grandvall*, as their Inſtrument to manage the Enterprize, to find out Perſons fit to be employ'd in it, to engage them by Promiſes of great Rewards; as alſo to be aiding and aſſiſting in his own Perſon. *The* Fr. *Miniſters Contrivers of the Deſign.*

The ſaid *Grandvall* being inform'd, That one *Anthony du Mont* had already been engag'd in this Deſign, in the Life-time of the late Marquiſs of *Louvois*, he propos'd it to him again, to execute the ſame, by order of the Marquiſs of *Barbeſieux*, and ſome others. Whereupon ſeveral Projects were drawn up, ſeveral Petitions deliver'd, and many Conferences were held, and at laſt the Reſolution was taken to bring it to effect the laſt Campagn 1691. But the Providence of God having diſappointed them, yet notwithſtanding they did not let fall the Proſecution of their horrid Deſign. But *Grandvall* was employ'd to write frequently to *Du Mont* (who was retir'd to *Hanover*) to ſtir him up to another Attempt this Campagn, which at laſt they agreed upon. Grandvall *and others immediately concerned in the Aſſaſſination.*

One *Leefdale* coming to *Paris* about that time, *Grandvall* making an Acquaintance with him, diſcover'd to him the ſaid Deſign, which *Leefdale* ſhew'd a Willingneſs to be concern'd in; But ſoon after gave notice of it by Letters to his Relations in *Holland*,

Holland, that they might inform his Majeſty. And the like Diſcovery was made by *Du Mont* to his Highneſs the Duke of *Zell*, who acquainted his Majeſty with it about the ſame time that he receiv'd the other Account.

In the mean time *Grandvall* having appointed *Du Mont* a Rendezvous at *Uden* in the Country of *Raveſteyn*, he ſet out from *Paris* in Company with *Leefdale*, paſſing thro *Bruſſels*, where he communicated his Deſign to one *John d' Amours*, who was formerly a domeſtick Servant to *Leefdale*'s Father. From thence they went to *Antwerp*, and ſo to *Eyndhoven*, where *Grandvall* was ſeiz'd and carry'd to *Bois le Duc*.

Grandvall *ſeized.*

Examinations taken.

His Majeſty directing the Examinations to be taken there, *Leefdale* was firſt examin'd, who declar'd, with great Exactneſs, all the Circumſtances of the Conſpiracy. But it is not neceſſary to mention more of them here, than that *Grandvall* told him, The King of *Great Britain* was look'd upon as the only Obſtacle to the *French* King's Deſigns: That *Grandvall* had ſent to *Du Mont* laſt Winter above 200 Piſtoles, to keep him firm to the Buſineſs; and that he ſent him ten Ducats from *Bruſſels* by Bill of Exchange: That whilſt they were at *Mons*, a Report being ſpread of ſome Diſorders in *Scotland*, which would oblige his Majeſty to croſs the Sea again; *Grandvall* fearing it might happen before he could execute his Deſign, ſpoke to *Leefdale* in theſe words; Dear Friend, we are like to loſe our Fortunes, I beg of you that we may go away immediately.

Leefdale *examined.*

D' Amours *examined.*

John d' Amours being next examin'd, depos'd, That *Grandvall* told him at *Bruſſels*, He had a great Buſineſs to do, which had miſcarry'd the laſt Year. And they two falling into a Diſcourſe about his Majeſty, *John d' Amours* ask'd *Grandvall*, if he had any thing to ſay to the King? Yes, anſwer'd he, to break his Neck. *John d' Amours* repreſenting to him the Difficulties that might attend ſuch an Attempt; *Grandvall* reply'd, I have given my Word to Monſieur *Barbeſieux*, and I'll do it. *D' Amours* adds further, That going one day with *Grandvall* and *Leefdale* by the Jeſuits Church at *Bruſſels*, *Grandvall* ſaid, Let us go in and ſay a *Pater Noſter*, that God would bleſs our Undertaking: And accordingly they went into the Church.

Du Mont *examined.*

Du Mont having been examin'd ſince, has own'd the Fact in all its Circumſtances; adding ſeveral other Particulars, *viz.* That Madam *Maintenon* was acquainted with the Deſign, and that *Grandvall*, in one of his Letters ſent to him, us'd this Expreſſion, that he would accommodate the Matter by the Means of Madam *Maintenon*. That *Grandvall* told him, the Buſineſs ſucceeding, he (ſpeaking of himſelf) ſhould have an ample Recompence, even to be a Duke. That whilſt he was at *Hanover*, he imparted the Deſign to Monſieur *Bedall*, alias *Hasfelt*, who was at that time the *French* King's Miniſter in that Court; that he ſhew'd to the ſaid Monſieur *Bedall* all the Letters he writ to Monſieur *Barbeſieux* and *Grandvall*, as alſo the Anſwers he receiv'd from them; that the ſaid *Bedall* approv'd the Deſign, ſaying, It would be a very good Buſineſs, if it could be brought to paſs; and that *Bedall* lent him fifty Crowns at *Hanover*. *Du Mont* adds further, That he was intimately acquainted with one *Miller*, an Agent for *Bedall*; that the ſaid *Miller* told him, as a great Secret, That *Bedall* had ſent him ſeveral times to *Holland* with Diſpatches, that came from *France*, for Monſieur *Moreau* Envoy to the King of *Poland*; that he always gave thoſe Pacquets into Monſieur *Moreau*'s own hand, and Monſieur *Moreau* gave him the Anſwers to them in like manner: And that by the help of Monſieur *Bedall* and Monſieur *Moreau*, the Court of *France* manag'd their choiceſt Correſpondence in *Holland*.

Grandvall's *Examination.*

At laſt *Grandvall* was examin'd, who perceiving that the Matter was diſcover'd, and that his own Letters could be produc'd to convict him, he ingenuouſly confeſſed all the Circumſtances of the Deſign, as they are particulariz'd in the Sentence.

After which *Grandvall* being brought to the Army, he was put upon his Trial, before a Grand Court Martial, conſiſting of General Officers, where he appear'd ſeveral times, together with the Witneſſes above-mention'd; who not only perſiſted in what they had already depos'd, but added many other Particulars and Circumſtances, of which there were very few that *Grandvall* did not agree to, and that freely, without ſo much as naming the Rack to him, either before or after Sentence.

He confeſſes and tells his Authors.

Grandvall, during his Impriſonment, drew up two Petitions to be preſented to his Majeſty, all written with his own Hand; in which he ſays, That as to the before-mention'd Deſign, he acted in it, but in Obedience to the Orders he had receiv'd from Monſieur *Barbeſieux* and Monſieur *Chanlais*; That *Du Mont* was guilty;

That

That *Leefdale* was guilty; And that he *(Grandvall)* was guilty, ſince every one that conſpires againſt a crown'd Head is worthy of Death, acknowledging his own Fault.

The Judges after this having met ſeveral times, at laſt gave this Sentence, which is here inſerted Word for Word.

The Sentence given by the Judges againſt Grandvall.

WHereas *Bartholomew de Liniere* Kt. Sieur *de Grandvall*, born at *Liniere* in *Picardy*, aged about 43 years, and now a Priſoner, hath confeſſed before the Grand Court-Martial, without any Conſtraint, by Pain, or being in Irons; and it further appearing to the ſaid Court-Martial, That the late Marquiſs *de Louvois*, in his Life-time, Secretary of State to the *French* King, in the year 1691, entred into an Agreement with one *Anthony du Mont*, about the Murder of his Majeſty, *William* the III. King of *Great Britain*, &c. and that the ſaid *Du Mont* had fram'd a Project, ſetting forth in what manner that Deſign might be executed; that he deliver'd the ſaid Project to the ſaid Marquiſs of *Louvois*; That the Priſoner ſome time before the Marquiſs of *Louvois*'s Death, asking his leave to go ſomewhere elſe, was order'd by the ſaid Marquiſs not to go away, for that he had ſome Buſineſs of Conſequence to employ him in, which the Priſoner ſuppoſes to have ſome Relation to the ſaid Deſign; but the Marquiſs of *Louvois* dying ſome time after, there was no further Progreſs then made in the ſaid Deſign.

That the Marquiſs of *Barbeſieux*, Son to the ſaid Marquiſs of *Louvois*, as alſo Secretary of State to the *French* King, having five days after his Father's Death found the ſaid Project, together with a Warrant for thirty Piſtoles to be paid to the ſaid *Du Mont*, among his Father's Papers; the ſaid Deſign was reviv'd again, and the thirty Piſtoles were paid accordingly. That the Priſoner contracted Acquaintance with *Du Mont* at Monſieur *Rabenac*'s Houſe, where Monſieur *Paparell*, Pay-Maſter General to the *French* King's Armies, ſaying one day to Monſieur *Rabenac* (the Priſoner being preſent) That if they had a mind to ſeize the King of *England*, *Du Mont* would be a fit Perſon for it; *Du Mont* reply'd with Execrations, That he would carry off his Majeſty alive or dead, as he had promis'd to Monſieur *de Louvois*.

That *Du Mont* having deliver'd the ſame, or the like Project to Monſieur *de Barbeſieux*, the Priſoner, to promote the ſaid Deſign, had ſeveral Conferences with Monſieur *Barbeſieux* and Monſieur *Paparell*; in one of which, Monſieur *Barbeſieux* told the Priſoner, That he ſuſpected his Father was poiſon'd by order of the Prince of *Orange* (meaning his preſent Majeſty of *Great Britain*) and therefore he would be reveng'd of him: That Monſieur *Barbeſieux* told the Priſoner in another Conference, that he ſhould give *Du Mont* Notice that his Majeſty of *Great Britain* wore a Coat of Mail, which the Priſoner acquainting *Du Mont* with, he anſwer'd thereupon, it is no matter, I'll kill him for all that: That *Barbeſieux* had ſaid further, he would not ſpeak himſelf with *Du Mont*, fearing he might be taken Priſoner; and if he ſhould happen then to name him, it might make a great Breach in his Fortune.

That the Priſoner was engag'd with one *Parker*, a Colonel belonging to the late King *James*, to put the ſaid Deſign in Execution; and that *Parker* had told him, he had form'd the ſaid Deſign with the late Marquiſs of *Louvois*.

That at laſt, the Priſoner, with the ſaid *Barbeſieux*, *Paparell*, *Parker*, and *Du Mont*, agreed upon the manner of executing the ſaid Deſign, *viz.* That the Priſoner, and *Parker*, ſhould meet at the Grand Guard of the Duke of *Luxemburg*'s Army, where they were to have 1500 Horſe; That *Du Mont* ſhould go to the King of *England*'s Army, and watch the time when his Majeſty went to viſit the Grand Guard, and at the ſame time he was to ſhoot his Majeſty; that the Priſoner and *Parker* with 1500 Horſe were to reſcue and bring him off, the ſaid *Du Mont* giving timely Notice to the Priſoner of the intended Execution. That *Barbeſieux* giving the Priſoner Orders to accompany *Du Mont* to *Menin*, he gave him at the ſame time an Order to the Duke of *Luxemburg* for furniſhing the Priſoner with ſuch a Detachment of Horſe as he ſhould require, and think neceſſary for the Deſign.

Barbeſieux *concern'd in the whole Deſign.*

That the Priſoner by Monſieur *Barbeſieux*'s Order, receiv'd of Monſieur *Paparell* 80 *Lewis d'Or*; and purſuant to Monſieur *Barbeſieux*'s Directions, he gave to *Du Mont* 55 *Lewis d'Or* out of that Sum, *viz.* 15 Piſtoles in Specie, and a Bill of Exchange for 460 Livres, *French* Mony, to be paid at *Ghent*; That the Priſoner accordingly left *Paris* the 11*th* of *September* 1691, and went Poſt with *Du Mont* to *Menin*; That he defray'd the whole Charge of the Journy; That *Du Mont* acquainted him on the way, That Monſieur *Barbeſieux* had promis'd him an annual Revenue of 20000

Livres, and to make him a Knight of the Order of St. *Lazarus*, in caſe the Deſign took effect: That the Priſoner coming to *Menin*, went to the Governor Monſieur *Pertuis*, as he had been directed by Monſieur *Barbeſieux*, and obtain'd of him a Paſſport for *du Mont*, who parted immediately for *Ghent*, promiſing the Priſoner, that according to their Agreement he would ſend to him at the Grand Guard; that the Priſoner thereupon went to the Duke of *Luxemburgh*'s Army, and he and *Parker* continu'd at the Head of the Grand Guard till the day before the Rencounter at *Leuze*, without hearing from *du Mont*.

That *du Mont* going to *Hanover*, the Priſoner had kept a conſtant Correſpondence with him about executing the ſame Deſign at ſome other Opportunity; that the Priſoner communicated what Letters he receiv'd from *du Mont* to Monſieur *Barbeſieux*, who gave him Directions what Anſwers he ſhould return; that the Priſoner reſolv'd with Monſieur *Barbeſieux* that the Deſign ſhould be executed this Campagn, *Anno* 1692. which had fail'd the laſt; that the Priſoner had taken ſome Meaſures concerning the ſame with Monſieur *Chanlais*, Quarter-Maſter General to the *French* King.

In the mean time one *Frederick Aelbreyt Leefdale*, heretofore Captain Lieutenant of a Troop of Dragoons in the Service of the High and Mighty States General of the *United Provinces*, coming to *Paris*, was brought acquainted with the Priſoner by the means of one *Sterck*; that the Priſoner having contracted an intimate Familiarity with the ſaid *Leefdale*, diſcover'd the ſaid Deſign to him towards the latter end of *March* laſt 1692. telling him, That an Officer who would ingratiate himſelf in the King's Favour, muſt venture at ſomething of Conſequence; that he the Priſoner had concerted the execution of a Deſign upon which his Fortune depended; that it was indeed a Matter not without hazard, but the greater the Difficulties were the more would be the Honour, encouraging *Leefdale* to be concern'd in it. And the ſaid *Leefdale* ſhewing a readineſs to comply with him, the Priſoner open'd himſelf with greater Freedom, and told him, That he was ingag'd laſt Campagn with one *du Mont* to aſſaſſinate the King of *Great Britain*, but it had no effect, by reaſon of his Majeſty's leaving the Army ſo ſoon; but it was reſolv'd again to put the ſame in execution this year: That *du Mont* by many repeated Oaths had ſworn he would do it; yet he, the Priſoner, fear'd that if he were not preſent, *du Mont* would not ſo exactly obſerve his Orders, and therefore he was reſolv'd to go along with *du Mont*, asking *Leefdale*, if he would be of the Party, who anſwering, that he would, the Priſoner diſcours'd to him at large of all Particulars concerning the Deſign, and afterwards brought him to Monſieur *Barbeſieux* and *Chanlais*.

That *Chanlais* in one of the Conferences held upon that Subject, told *Leefdale*, the Priſoner being by, That a great Reward ſhould be given him, the Buſineſs ſucceeding; that *Barbeſieux* and *Paparell* had both of them knowledg of the promiſed Rewards.

K. J. acquainted with it.

That he the Priſoner, with the ſaid *Leefdale* and Colonel *Parker*, went to *St. Germains* on the 16*th* of *April* 1692. to ſpeak with the late King *James* about the ſaid Deſign, who had knowledg of it, and to take leave of him before they began their Journy: That the Priſoner *had Audience at the ſame time* of the ſaid King *James*, the *late Queen being preſent*; King *James* telling him, *Parker* has given me an Account of the Buſineſs; if *You and the other Officers do me this Service, you ſhall never want:* and *Parker*, the Priſoner, and *Leefdale* entred into a Diſcourſe about this Deſign.

That *Du Mont*'s Wife deliver'd to Monſieur *Barbeſieux* ſeveral Letters, which ſhe receiv'd from her Husband whilſt he was at *Hanover*; and the Priſoner continuing his Correſpondence with him all the ſaid time, he engag'd *Du Mont* by Letters, eſpecially thoſe dated the 20*th* and 25*th* of *April*, and the 12*th* of *May* laſt, to come from *Hanover* to a Rendevouz at *Uden* in the Country of *Raveſteyn*, in order to take a final Reſolution with the ſaid Priſoner and *Leefdale* concerning the manner of executing their Deſign: the Priſoner preſſing *Du Mont* to haſten his Journy, for fear the King of *England* ſhould have occaſion to repaſs the Sea; the Priſoner adding withal, That he ſhould be mad if he fail'd in his Buſineſs.

The manner of the Aſſaſſination laid.

That the Priſoner, with *Chanlais* and *Leefdale*, were agreed in what manner the Aſſaſſination ſhould be committed on the Perſon of his Majeſty, *viz.* That when the King ſhould ride along the Lines, or ſhould go out to take any View, or when the Army ſhould decamp, that *Du Mont* ſhould lie in Ambuſcade, and when his Majeſty ſhould paſs within 100 Paces of him, he ſhould then fire upon the King; That

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Chanlais (to whom notice was to be given before of the time) ſhould be with 3000 Horſe at the Duke of *Luxemburg*'s Grand Guard; That the Priſoner had told *Leefdale*, there would be no danger for him, ſince *Du Mont* had a Secret to charm Peoples Eyes, and at all Adventures they two would keep with thoſe who follow'd the King; and when every body was purſuing after *Du Mont*, they ſhould have time to eſcape and ſave themſelves, and carry the Account to Monſieur *Chanlais*; and it little concern'd them whether *Du Mont* ſhould be taken or not, provided they could eſcape themſelves: That the Priſoner and *Leefdale* receiv'd their laſt Orders from *Chanlais*, who told them he was going to *Mons*, and that they ſhould ſtay for him there.

That the Priſoner and *Leefdale* went from *Paris* the 17*th* of *April* laſt, and arrived a few days after at *Mons*, having waited ſome time for Monſieur *Chanlais*'s Arrival; and finding he did not come, they reſolv'd to go forward to the Rendezvous by the way of *Bruſſels*: That the Priſoner, as they were travelling on the way, told *Leefdale*, that their Deſign taking place, the Alliance among the Confederate Princes would be broken; that the Princes concern'd would each of them recal their Troops, and the Country being thereby left without Soldiers, the King of *France* would eaſily make himſelf Maſter of it, and King *James* would be reſtor'd again.

That the Priſoner with *Leefdale* went to the Mayery of *Boiſleduc*, and was apprehended at *Eyndhoven*.

A Deſign contrary to the Laws of God and Nature, and all Nations.

And whereas this horrid Deſign is contrary to the Laws of God, of Nature, and of all Nations, and ought for the deterring of others from the like Machinations to be puniſh'd with the greateſt Rigour: The ſaid Court-Martial, having with mature deliberation examin'd and conſider'd the whole Matter, have thought fit to judg and declare, as they do hereby heclare, the Priſoner to be Guilty of High Treaſon, and do condemn him to be drawn on a Sledg to the Place of Execution, there to be hang'd on a Gallows; to be cut down before he be dead, his Body to be open'd, and his Bowels taken out and burnt; his Head to be ſet upon a Pole, his Body to be quarter'd, and the four Quarters to be hung up where his Majeſty ſhall think fit. And do further declare all his Eſtate to be confiſcated, and condemn him to bear the Charges and Coſts of this Trial. Given and pronounc'd in the Head Quarters of the Army under the Command of his Majeſty of *Great Britain*, by the Earl of *Athlone*, General of the Horſe, Preſident; the Lieutenant General *Van Scravenmore*, and Lieutenant General *Talmaſh*; the Marquiſs *de la Foreſt*, the Heer *Van Weede*, Count *Noyelles*, and the Heer *Zobel* Majors General; and the Brigadeers *Churchill* and *Ramſey*; *Cornelius van Wou*, and *Richard Uthwayt*, Judges Advocates aſſiſting, at *Lembeck*, the 11*th* of *Auguſt*, 1692.

Signed,

ATHLONE.

And lower,

By Order of the Court-Martial,

Thomas du Val.

In purſuance of the Sentence above-mention'd, the Chevalier *de Grandval* was executed in the Camp on the 13*th* day of *Auguſt*, 1692. All that he ſaid at the place of Execution was to recommend himſelf to the Prayers of thoſe that were preſent; but the ſame morning before he went to Execution, he writ this following Letter.

Du Camp de Halle, ce 13 Aout, 1692.

Madamoiſelle,

Grandval's *Letter.*

JE vous prie d' aller trouver Monſieur l' Archevêque de Rheims, avec Monſieur Fourduil, & faire connoître au dit Seigneur Archevêque, qu'il m'en couſte la vie, pour avoir obey aux Ordres de Monſieur de Barbeſieux. C'eſt la grace que vous demande vôtre ſerviteur,

De Grandval.

Voyez Monſieur le Marquis d' Arſy, qu'il contribue à faire prier Dieu pour moy.

A Madamoiſelle Juré, rue Trevelle, vis à vis de la rue des deux Eſcus, prés de l'Hoſtel de Soiſſons, à Paris.

From the Camp at Hall, *Aug.* 13. 1692.

Madam,

I Pray you to go to the Archbiſhop of *Rheims*, with Monſieur *Fourduil*, and to let the ſaid Archbiſhop know, That it coſts me my Life, for having obey'd the Orders of Monſieur *de Barbeſieux*, which is the Favour deſir'd of you by your Servant,

De Grandval.

Speak to the Marquiſs *d' Arſy*, That he take care I be pray'd for.

To Madam *Juré*, in the *Trevelle-ſtreet*, over againſt the Street of the *Two Crowns*, near the *Hoſtel* of *Soiſſons*, at *Paris*.

Upon the occaſion of this Letter, it will not be improper to take notice of a Paſſage that happen'd ſome days before *Grandvall*'s Condemnation, ſince it has ſo great an Agreement with the ſaid Letter, and may ſerve to explain it, if it needed any clearer Light; which is as follows.

Barbeſieux *a principal Promoter.*

One diſcourſing with the Chevalier *Grandvall* in Priſon, and obſerving he ſought to juſtify himſelf upon the Orders he had receiv'd from the Marquiſs of *Barbeſieux*, he told him, tho that was in it ſelf a very weak Excuſe for being ingag'd in a baſe Action, yet ſtill it might prove ſo much the worſe, as that it was like enough Monſieur *Barbeſieux* would diſown that he gave any ſuch Orders, or that he was any ways concern'd with him in a Buſineſs of this nature. To which *Grandvall* reply'd, Let him deny what he pleaſes, yet if I were put upon it, I would make it appear very plainly; for I have an Original Paper under Monſieur *Barbeſieux*'s own Hand, which I have lodg'd with a Friend of mine, who will not part with it to any one but my ſelf, and no body elſe knows with whom I have entruſted it.

Reflections upon the late horrid Conſpiracy contrived by ſome of the French *Court, to murder his Majeſty in* Flanders :

Printed in 1692.

And for which Monſieur GRANDVAL, *one of the Aſſaſſinates, was executed.*

HERE is a Plot with a Witneſs! fully enquir'd into and prov'd, and the Traitor puniſh'd : Nor has Providence left the leaſt colour for Enemies to cavil about the Truth of a Conſpiracy to take away his Majeſty's Life, when the Conſpirator himſelf has oblig'd us with an ample Confeſſion of his Crime. It's but ſeldom, that Deſigns againſt the Lives of Princes come to be believ'd, till the Execution of them puts them beyond doubt; and for the moſt part, the World is inclinable enough to ſuſpect, That ſomething lies hid under every Diſcovery that is ſaid to be made of Treaſon, until the Blow actually given, puts too late a ſtop to their Incredulity.

The Plot fairly prov'd.

But this *French* Aſſaſſinate, tho he has with a Courage worthy of a better Cauſe, paid down his own, for a Deſign to take away one of the moſt illuſtrious Lives upon Earth; yet, it ſeems, he durſt not truſt the eternal ſtate of his Soul to a Jeſuitical Equivocation at his Death, but choſe rather by a free, open Confeſſion, to diſoblige his Maſters that ſet him on to perpetrate the Villany, than to venture ſo great a leap in the dark, with a Lie in his mouth. If this Man had been pardon'd on the Scaffold after this Confeſſion made, there want not ſome of that good nature, as to have ſtampt the Character of a ſham Plot upon the whole Affair, and to have turn'd it into ridicule, as they do every thing elſe that reflects upon their Party.

Grandval *confeſſes it.*

Good God! What a diſmal Character muſt a certain great Prince in *Europe* carry with him to Poſterity! And how many indelible Blots muſt ſtick to the Eſcutcheon of his Triumphs! Thoſe illuſtrious Villains of Antiquity, that have eterniz'd their Names by turning the World upſide down, and who have written their own Epitaphs in Letters of Blood and Horror, they may be reckon'd but ill by halves, if compar'd with the Rivals of this Age. If it be any ſatisfaction to the miſerable Inhabitants of the Shades below, not to have done on Earth all the ill they might have done; then ſure *Attila*, and the reſt of thoſe barbarous Heroes that over-ran the *Roman* Empire, may have ſomething to value themſelves upon, for not being altogether ſo cruel as ſome of their Succeſſors have been.

Reflections on the Fr. *King.*

The *Goths* and *Vandals* broke out of thoſe Bounds that Nature ſeem'd at firſt to have ſet them, and carry'd Fire and Sword to Countries to which they had no imaginable Pretenſions: Theſe Scourges of Mankind laid in Aſhes the ſuperbeſt Edifices and fruitfulleſt Territories of the then known World, and this merely to ſatisfy an unquenchable Thirſt after Conqueſt. In all which, a neighbouring Nation has imitated them in the Age we live in, and the Copy has at leaſt ſurpaſs'd the Original. Let us ſearch back into all the Hiſtories that are left us, of thoſe mighty Irruptions of barbarous Nations, upon the then civiliz'd Parts of the World, and we ſhall not find one ſingle Veſtige of a Baſeneſs among them, equal to that which is the Subject of this Paper. Where, or whenever was it, that the *Goths*, *Vandals*, or *Hunns*, imploy'd Aſſaſſinates to cut off by Steel or Poiſon, any of the Generals that came, or the Princes that ſent them, to oppoſe the Torrent of their Arms? All the Dangers their Enemies had to encounter with, were the ordinary Chances

The Barbarity of the Deſign.

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of War, and it was only in the Field of Battel that they ran any hazard. This new way of making War among Princes, by ſuborning Ruffians to aſſaſſinate an Enemy in cold Blood, was reſerv'd to the Age we live in, and to the memorable Reign of *Lewis* the Fourteenth: and it has oblig'd the World with a new Æra of time, which may be nam'd by thoſe which come after us, *The Age wherein Aſſaſſinations came firſt to be in uſe among Princes.*

The Providence of God towards the 3 Nations.

They deſerv'd to be reckon'd among the unthinking Croud, or were ſtrangely blinded with prejudice, that have not obſerv'd a ſurprizing Chain of happy Providences, that encircled theſe three Nations all along ſince the late Revolution; ſo that our Preſervation from time to time, may be eſteem'd the peculiar Care of Heaven, in ſpite of our own Follies, and of our Enemies Malice. In every Scene that has open'd to us theſe four years paſt, there have been imprinted ſuch unuſual Characters of the Divine Care to ſupport this Government, as upon ſerious Reflection, may put both Atheiſts and Enemies to the bluſh. In ſhort; if it were proper here to enlarge upon this Subject, it might eaſily be made appear beyond contradiction, 'That the beſt-laid Contrivances of our Enemies abroad, the Intelligences 'given them by thoſe at home, our own Miſtakes, the ſeeming croſſneſs of 'Winds, Weather, and Tides, with many other odd Accidents, have all of them 'concur'd together, one ſtep after another, to our Preſervation.

Our late Victory at Sea was an aſtoniſhing Inſtance of this: 'A Victory, the beſt 'tim'd, the neareſt to have eſcap'd us, and of the greateſt Conſequences, all 'things conſider'd, that ever this Nation had; and a Victory, in fine, that at one 'blow defeated all thoſe vaſt Deſigns of our Enemies, that were juſt upon the 'breaking in upon us, and ſecur'd to us our own Country, and the Dominion of the 'Seas.

The ſingular Providence of God in the Circumſtances of the late Sea-Victory.

Yet even this mighty Action was attended with ſuch irreſiſtible ſtrokes of the Divine Watchfulneſs and Care, that every Turning of the Tide, every Change of Wind, and every Storm at Sea for the ſpace of ſix weeks together, did co-operate to our Succeſſes. I ſhall never forget what the Gentleman that had as well *the chief Glory* as *Command* in that Action, was pleas'd to tell me a few days after it happen'd, 'That above twenty different Accidents, all of them out of the Power of Man, or 'the Sphere of his Deſigns, did concur to the obtaining of that Victory; of which, 'the want of any one of them had unavoidably loſt us the Opportunity. *Adding*, 'That every Change of Wind and Tide, from the mouth of the River to the place 'of Battel, ſeem'd as deſign'd by Heaven to concert the meeting of the two Fleets 'at that very critical moment they happen'd to meet; and which was yet the more 'remarkable, if they had not fought that very day, they had not fought at all, the 'Orders for Monſieur *Tourville*'s returning to *Breſt*, coming to him within a few 'hours after he was engag'd.

But of all the benign Providences that have attended theſe Nations theſe four years paſt, none carries more remarkable Characters in it, than the reiterated Preſervation of his Majeſty's Perſon, amidſt the many open Dangers, and ſecret Practices he has been expos'd to. One might think his Enemies had but little reaſon to put their Invention on the wrack how to carry him off by ſecret and indirect means, conſidering how familiar the greater Engines of Death are to him every day; and how unweariedly he courts all Occaſions to meet them in the Field. But this illuſtrious Life is too mighty an Obſtacle to the Deſigns of the *French* King (as Monſieur *Grandvall* expreſſes it) to allow his Enemies any ſatisfaction to ſee it expos'd in every Rencounter to the fury of Cannon, and arm'd Battalions, unleſs to thoſe they add ignoble Attempts to take it away by the hand of a Ruffian. As the *French* King's fondneſs of his own Life denies his Enemies the hope that he ſhall one day deſcend into Battel, and periſh (which was the foretold fate of a King much of his own ſtamp) and by ſo doing, give that Peace to *Europe* in dying, which he never ſuffer'd it to enjoy while alive; ſo that boundleſs Intrepidity of the King of *England*, which gives us the greateſt fears, one would think might give him ſome hope, ſince he ſees never Prince bids fairer every day for Death or Victory.

The King's Courage and Intrepidity.

Cardinal Mazarine's Obſervation on the Houſe of Orange.

The Conduct of the late Cardinal *Mazarine* deſerves admiration in all reſpects; but the Meaſures he obſerv'd himſelf, and left to his Maſter at his Death, with reference to the Family of *Orange*, ſeems to have proceeded from a wonderful foreſight, that nothing then in being could naturally lead him to. It was the young Prince of *Orange*, now King of *England*, then under the loweſt Circumſtances of his Fortunes, and at a time when nothing could be expected to make them better, but a Miracle; that this great Politician imploy'd a vaſt ſhare of his Thoughts to keep

keep him low, and to ſtrengthen and foment a Faction that had made him ſo. During the firſt year of his Miniſtry, the Family of *Orange*, it is true, was in a Condition to give Jealouſy to the Court of *France* in the Perſon of a brave deſigning Prince, who was not only in poſſeſſion of all the Places his Anceſtors had enjoy'd in a mighty Commonwealth, but was plac'd near the Luſtre of a Crown, by marrying a Daughter of *England*.

But this Riſing-Sun was ſoon ſet, and Death put a ſtop to his hereditary Thirſt of Glory in the very beginning of his career, leaving a Son yet unborn to wreſtle with the unkind Misfortunes of a ſinking Family.

It was then indeed that the Houſe of *Naſſau* deſerved rather the compaſſionate Regards of all the Princes of *Chriſtendom*, than to be the Object of their Envy and Fear. Then it was that a Family, which had eterniz'd its Name by raiſing a great and rich Republick out of a ſmall plank of the *Spaniſh* Dominion, and under whom all the Nations of *Europe* came to learn the Art of War for a hundred years together, did undergo an Eclipſe, and ſuch an one, as in the Opinion of all the World was to put an end for ever to its wonted Luſtre.

The Circumſtances that attended the K's Birth.

He that will but be at the pains to conſider the diſmal Scene that uſher'd in the preſent King of *England* into the World, with all the mighty Bars that ſtood in his way to hinder him from ever making a figure in it worthy of his Anceſtors; and at the ſame time will gather together all the riſing Changes of Fortune he has ſince undergone, all the things he has done, is a doing, and like to do, muſt of neceſſity conclude, That either Providence has brought about all theſe extraordinary Events to no purpoſe (which methinks is a thought unworthy of the Divine Goodneſs and Wiſdom) or that the Prince, who is become ſuch an aſtoniſhing Inſtance of the Care of Heaven, muſt be he that ſhall redeem *Europe*. He was brought into the World many Weeks before his time, and nothing but mourning for the Father was to be ſeen in the place where the Son firſt ſaw light. A full Moon paſs'd over before it could be almoſt ſaid he liv'd, and every minute, for ſeveral months together, was expected by all about him to be his laſt.

By his Father's untimely Death, and the heat of a prevailing Party in *Holland*, he came into the World deſpoil'd of all the great Offices and Power his Anceſtors had born in that State; and the Royal Houſe of *England*, whoſe Blood mix'd ſo near with his own, was likewiſe ſunk with the Monarchy it ſelf. Under theſe unpromiſing Circumſtances of Fortune, did the Prince of *Orange* draw his firſt breath; and the ſame unlucky Scene that uſher'd him in, continu'd to bear him company till the two and twentieth year of his Age, when Heaven rais'd him up in a moment, and by ſuch ſurprizing Steps, that after Ages will hardly believe, to put a full ſtop to a conquering Enemy that had brought his Country to the brink of Ruin; and at the Age he could ſcarce write Man, to deliver that Commonwealth from the Jaws of Deſtruction.

What other aſtoniſhing Greatneſs this Prince has riſen to ſince, has already reach'd the four parts of the habitable World: and it's in him that at this Juncture all the Deſigns a-foot, for vindicating the Liberty of *Europe*, do center.

The King's Greatneſs diſpleaſing to France.

It's hard to ſay, whether this Greatneſs of the King's be more pleaſing to the reſt of *Chriſtendom*, than it's diſpleaſing to *France:* This is certain, that they look upon him 'as the only Obſtacle to the Deſigns of the *French* King, and that upon his 'Death the Confederacy would break, and the *French* King would render himſelf 'Maſter; to give it in Monſieur *Grandval*'s own preciſe words. This has put the Miniſters of *France* upon a Deſign that muſt render their Memory infamous to all Ages, and of which their Maſter muſt expect to have a ſhare.

The Hiſtory of the aſſaſſinating Deſign.

The Deſign in ſhort was this: 'Monſieur *de Louvois*, the late chief Miniſter of 'the *French* King, had concerted with Colonel *Parker*, and one *du Mont*, to aſſaſſi-'nate his Majeſty; but when, and after what manner it was to be done, is not yet 'made publick. Monſieur *de Louvois* dying, his Son Monſieur *Barbeſieux* ſucceeds 'to his Place, to his Credit with the King, and to the inglorious Deſign againſt the 'King of *England*'s Life, the Plan of which his Father had left him in Writing 'ſeal'd up in his Cabinet. The new Miniſter, to accompliſh a Villany his Father's 'Death had at firſt render'd abortive, employs in it Monſieur *Grandval*, in con-'junction with *du Mont* and *Parker*; promiſes by *Grandval* to *du Mont* 20000 Livres 'of Eſtate, and a Knighthood of St. *Lazar*; and to *Grandval* himſelf to make 'him a Duke, and to give him an Eſtate proportionable in caſe the blow ſucceeded; 'and all four, with Monſieur *Paparell*, Paymaſter General to the *French* King's Ar-'my,

Grandval, du Mont, and Parker *the 3 chief Perſons imployed.*

'my, and Madam *Maintenon*, the *French* King's She-Favourite and Counſellor, do 'agree together the manner in which the Aſſaſſination ſhould be done, *viz.* That 'du *Mont*, after having entred himſelf into the Confederate Army, ſhould take 'his Opportunity when his Majeſty went to viſit the Grand Guard, or the Lines, 'to ſhoot him behind his back, and thereupon make the beſt of his way to a body 'of Horſe *Grandval* and *Parker* ſhould have in readineſs upon a previous intimation 'to reſcue and carry him off. Thus prepar'd and thus incourag'd, the three 'Champions of Villany part from *Paris*, *du Mont* for the Confederate Army, and '*Parker* and *Grandval* to that commanded by Monſieur *de Luxemburgh*. The two 'laſt wait with impatience at the Grand Guard night and day (to give it in *Grand-*'*val*'s own words, according to the *French* Copy) to hear from *du Mont*, and doubtleſs the Court of *France* waited with the ſame impatience every moment for the arrival of the Courier with the long-wiſh'd for News of the fatal Blow.

'Heaven took care of the preſervation of *Europe*, that did depend ſo viſibly 'upon one ſingle Life; and whether *du Mont*'s heart fail'd him, or whatever elſe 'was the Cauſe, after ſome weeks Attendance without being able to effectuate his 'Deſign, he retires to the Court of *Hanover*: and thus the year 1691. paſſes over 'without a red Letter in the Calendar to denote the murder of a King. This 'Diſappointment had no other influence on the *French* Court, than to ſet them on 'with the more eagerneſs to proſecute this Campagn, 1692. that, in which they 'had fail'd the year before. *Grandval* and *Parker* return'd to *Paris*, and are again 'ſet on work by *Barbeſieux* and the reſt of the Cabal, among whom Monſieur '*Chanlais*, Quarter-maſter General to the *French* King, comes now firſt to appear; 'and Monſieur *Leefdale*, formerly imploy'd in the States Service, is acquainted 'with the Deſign, and ſeems to go into it: *Grandval* continues to keep Correſpon-'dence by Letters with *du Mont*, and *du Mont* with him and *Barbeſieux* both, by 'means of *du Mont*'s Wife at *Paris*. In the end, the Aſſaſſination is again reſolv'd 'upon, *du Mont* is to perpetrate it, Monſieur *Chanlais* is in Perſon to aſſiſt *Grand-*'*val* to reſcue *du Mont* upon his doing it; and in order to the whole, a Rendez-'vous is appointed at *Uden* between *Grandval*, *Leefdale* and *du Mont*, whither *du* '*Mont* was to come from *Hanover*, and the other two from *Paris*: *Parker* at the 'ſame time coming for *England*, and they for *Flanders*; after all the three having 'taken leave of an unfortunate Prince at *St. Germains*, where they receiv'd from 'him all the Encouragements that were in his Power to promiſe them in the hearing 'of the *Italian* Queen, who perhaps would have miſcarry'd, if ſuch a Crime, ſo ſutable to her Genius and Country had been carry'd on without her having a ſhare in it; and who, no doubt, hop'd to ſucceed better in this, than ſhe had done in *Jones*'s, whom ſhe had ſent over to *Ireland* two years ago upon the like Errand.

Du Mont *diſappointed of his Deſign.*

The Deſign renew'd again.

The Diſcovery made by Leefdale *and du* Mont.

The whole Plan being thus ready for Execution, Heaven once more warded off the Blow by *Leefdale* and *du Mont*'s Diſcovery about one and the ſame time, and by the taking of *Grandval* in his way to *Uden*; and thus the Court of *France* fail'd in their inglorious Attempt to take away the Life of a crown'd Head by the hand of a ſuborn'd Ruffian. Upon all which I ſhall confine my Reflections to a few Heads, and that with all the reſpect that may be poſſibly due to two Perſons of the firſt Rank among Men, that have ſtain'd the Luſtre of their Birth with ſo foul an Action.

The horridneſs of Aſſaſſination.

What a horrid Aſpect the Crime of an Aſſaſſination carries with it among all the civiliz'd Nations of the World, the common Conſent of Mankind puts out of doubt: It may fall out, and indeed but very ſeldom, and perhaps not twice in the Revolution of a great many years, at leaſt in theſe Climates, and at this diſtance from the infallible Chair, that ſuch a baſe kind of Revenge may come to lodg it ſelf in the breaſt of ſome one noted Miſcreant, who has thrown off all the common impreſſions of Humanity, aud whoſe thred of Life beſpeaks him a Monſter in human Shape, or a Prodigy of Wickedneſs. None elſe but ſuch a Creature as this, will be found among the innumerable Ranks of Men capable of ſo black a Crime; and when any ſuch diſmal Accident falls out in the World, we look upon it with the ſame Horror and Amazement, that we do upon the moſt frightful eccentrical Phænomena's in Nature: The Perpetrator of this kind of Villany falls not only unlamented, but Death it ſelf, that buries our Reſentment of moſt other Crimes, is not able to protect him from our Execrations even in his Grave. If we look back to the few Attempts of this nature noted down to us in Hiſtory (and but few they are) we ſhall find they went no further for the moſt part than the breaſt of one ſingle Villain; and if at any time Accomplices were brought in, they were but

but one or two at moſt; ſo rare a thing it is to meet with any numbers of Men together of that Diabolical Temper.

But, good God! how fertile is the Court of *France* in this monſtrous ſpecies of Men! Inſtead of one or two Perſons capable of ſo foul a Deſign, they can make up the number of thirteen at one daſh. A Baſeneſs of this nature us'd in former Ages to lodg only with ſome of the lower herd of Mankind, who have little elſe to diſtinguiſh them outwardly from Brutes, but the Shape: But here we have Men of the firſt Quality among Subjects, of noble Birth, of a liberal Education, and in the greateſt Poſts in the Government of their Country; Monſieur *Louvois* and *Barbeſieux*, firſt Miniſters of State, and the cloſe Confidents of all their Maſter's Deſigns and Secrets; Monſieur *de Luxemburgh*, Duke, Peer and Marſhal of *France*, the firſt Commander of the *French* King's Armies, and by his Mother, of the nobleſt Blood in *Chriſtendom* that wears not a Crown; Monſieur *Rabenac*, and *Bedall*, both imploy'd in the moſt difficult Embaſſies; Monſieur *Paparell* and *Chanlais* in the greateſt Employments in the Army; and Madam *Maintenon*, tho of no Quality, neither by her own Birth, nor by her former Husband, yet of neareſt acceſs of all Mortals to the *French* King's Perſon. Theſe, and no meaner People, do ſtoop to ſo low and ignoble a Plot, when it makes for the Glory, or for the Intereſt of their Maſter; and, which I would willingly bury in ſilence, it's not only they, but others of a yet more elevated Rank among Men, that have thrown off all ſenſe of Honour and Humanity, to come into it.

France fruitful in Monſters of Men.

Great Perſons privy to the Deſign of aſſaſſinating the King.

If the aſſaſſinating of a private Perſon carries with it ſuch an horrid Idea, how much does that of a Prince, and ſet on by Princes? The greater the Perſons be that either contrive, or againſt whom the Contrivance is made, ſtill the greater is the Villany; and how far the Miniſters of *France* may alone lie under the weight of ſo great an Infamy, may be worthy our Inquiry.

1. The *French* King had all the reaſon in the World to ſtand behind the Curtain when ſuch Engines were a playing, and not to appear barefac'd on ſo foul a Stage. If Monſieur *Barbeſieux* thought it not fit to venture to ſpeak to *du Mont* himſelf, for fear his Reputation might ſuffer in caſe the Aſſaſſinate was ſeiz'd (as *Grandval* has told us) how much more reaſon had his Maſter to be cautious in ſo nice a point? There is a common decorum that he has not yet thought fit to throw off, with reference to Enemies of his Majeſty's Rank; and he that above all Mortals is moſt in love with every ſhew of Glory, had been the weakeſt Perſon alive, if he had neglected all poſſible Circumſpection in this Affair.

The Fr. *K. privy to it.*

2. But ſecondly, There was not the leaſt Temptation or Neceſſity for him to appear either to *Grandval*, *du Mont* or *Leefdale* (who were the only Perſons that have been examin'd) or indeed to any of the Conſpirators, except *Barbeſieux*. No body in their right Wits will open themſelves in ſo curſed a Deſign as this was, any further than as abſolute neceſſity obliges them: And here it was enough that *Barbeſieux*, his firſt Miniſter, receiv'd the Propoſals, concerted the Matter, and promis'd Rewards. There are Caſes every day in all the Courts of *Europe*, wherein Miniſters treat with Spies, and ſuch like Men; and do both give and promiſe Rewards to them without their Maſter's appearing in it: How much rather in any buſineſs of ſo tender a nature, and in a Court where the firſt Miniſter is known to be intruſted with the greateſt Rewards, and the moſt uncontrolled Power in diſpoſing of them?

Barbeſieux *one of the chief Promoters.*

3. It was ſufficient to concert and ſet afoot the whole Deſign, that Monſieur *Barbeſieux* treated immediatly with *Grandval*, and by him mediately with *du Mont*. *Barbeſieux* refus'd to treat perſonally with *du Mont*, for fear of his Reputation in caſe he was ſeiz'd, that part being committed by him to *Grandval*. So that whatever came of *du Mont*, who was to have the greateſt part, if not all the hazard, *Barbeſieux* thought his Honour ſafe, as never having ſpoken to him about it, and having *Grandval* interpos'd betwixt them. Was it not as reaſonable then, that whoever put *Barbeſieux* upon the Deſign, and gave him Orders or Leave to proſecute it, ſhould uſe the ſame method as to all the reſt of the Conſpirators, except *Barbeſieux*, as *Barbeſieux* was to do with them all but *Grandval*, to diſcover himſelf to none, but to him to whom he muſt of neceſſity do it?

His acting in it by Grandval.

4. Whoever reflects upon the Train of the late Monſieur *Louvois*'s Life and Actions, will not be able to trace any Veſtige of ſo much ill Nature and Baſeneſs, as was neceſſary to put him originally on ſo black a Deſign. He had acquir'd, during the whole courſe of his Miniſtry, the Character of a Man of ſome Honour, and was known to have endeavour'd what in him lay, to moderate the violent courſes of the

Monſ. de Louvois's *Life and Character.*

Court, and particularly with relation to the Proteſtants, in which Matter he and the late Chancellor his Father had ſome Differences that could not be kept ſecret. So that all the harſh Meaſures that Monſieur *Louvois* went into, were look'd upon as the effect of his Compliance with his Maſter's Temper and Inclinations, and not of his own ill Nature.

Againſt the Perſecution of the Proteſtants of France.

To inſtance this in one Particular; when that unparallel'd Edict was in agitation in the Council, *Forbidding all the Proteſtant Women to be brought to bed by any but Roman-Catholick Midwives*, *Louvois* appear'd againſt it; and nothing could bring him to change his mind, but his Maſter's riſing up with his *Je le veux*; after which there was no more debating. Monſieur *de Louvois* being then a Gentleman of no ill diſpoſition, it's both unjuſt and unreaſonable to think he could be brought into a Conſpiracy to murder a crowned Head, tho ever ſo much an Enemy to *France*, out of any other Principle, than that of a deſire to pleaſe and obey him on whom his Fortune depended; and every body knows that Favorite ſaw no body in *France* greater than himſelf, except his Maſter.

Proteſtant Women to have only Popiſh Midwives.

But, 5. can it enter into any reaſonable man's Thoughts, that Monſieur *Barbeſieux* could be *the original Spring of the Motion* after his Father's death? Who knows not that *Barbeſieux* is both a very young Man, and a young Miniſter, and one that is rather in the quality of a Clerk or Privado to the *French* King, than a Counſellor, tho truſted with his Secrets? And indeed he is the Favorite Miniſter rather for his Father's ſake, who was one of the beſt Servants ever Prince had, than for any Merit he has yet acquir'd of his own.

Barbeſieux *his Character.*

6. It's not to be imagin'd that either *Louvois* or *Barbeſieux* durſt have ventur'd on ſuch an Action without a higher Command; ſince whatever ſhould come of it, whether the Blow was given, and the Aſſaſſinates come off, or taken and put to the Rack, it muſt have neceſſarily come to be diſcover'd who ſet them on, and thereby they two muſt have ventur'd their Court with the King, if not their Heads; ſince he would be oblig'd, for the common Rules of Decency us'd among Princes, *to diſown both the Action and them.* Let us judg then, if Men of ordinary Senſe, or acquaintance with the World, would have embark'd themſelves in ſo hazardous a Bottom, unleſs they knew before-hand the Action would be ſo well reliſh'd by the Maſter, as they might be able to pin upon him the Care of their Safety after it is done.

Who the firſt Contrivers.

7. Tho all I have ſaid to this purpoſe carry'd no weight with it, yet the Great Monarch will not be believ'd, not to have been very deeply engag'd in a Buſineſs of ſo vaſt a Concern, when it's found, that not only his Firſt Miniſter of State, but the chief Commander of his Armies is in it. In the common opinion of the World, founded upon Cuſtom, Whatever a Firſt Miniſter does in matters that concern the State, eſpecially of ſo tender a nature as the Deſign in queſtion is, he is preſum'd to do it by Conſent at leaſt, if not by the poſitive Command of his Maſter. This obtains every where, but more eſpecially in the Court of *France*, where the *Premier Miniſter* does tranſact the greateſt Affairs himſelf, and does write the King's Name to Orders of the greateſt Conſequence, both to Generals at Sea and Land, without the King's own Hand: So that an Order under the Miniſter's Hand, carrys with it a natural Suppoſition that he has conſulted the King before he ſigns it; and thence it is, that it receives as punctual Obedience as if the King had ſign'd it himſelf. But notwithſtanding this, the Power of the *Premier Miniſter* has its own Bounds, that every Man in the Government knows how far it goes. And none employ'd in this Conſpiracy could be ſo ſilly, as to believe *Barbeſieux* had power of himſelf to promiſe *Grandvall* to *make him a Duke*, *or to give him an Eſtate proportionable.* Rewards and Honours of ſo high a nature, are only in the King's own Breaſt to give; and except the King knew of it, we muſt ſuppoſe that *Barbeſieux* and *Grandvall* were not only Knaves, but Fools, the one to promiſe, and the other to expect them.

The Grand Monarch concern'd in it.

The Power of the firſt Miniſter in France.

8. There is another Reflection to this purpoſe, which I am willing to mention with all the tenderneſs due to a crown'd Head. The *French* King has acquir'd to himſelf by a great many Actions, the unlucky Character of a Prince *that makes no difficulty to ſtep over all Laws Divine or Human, when it makes for his Glory or Intereſt.* His behaviour towards his Proteſtant Subjects, in ſpite of Fundamental Laws, and ſolemn reiterated Oaths to the contrary; his ſwearing to ſo many Treaties of Peace with his neighbouring Princes and States, and breaking them almoſt as ſoon as ſworn; or rather, *his ſwearing them with a deſign to be the better able to break them*, do bear ſo ill a face, as may make all the Nations about conclude, That a Deſign *which ſhould oblige the Confederate Princes to recal each of them their Troops out of* Flanders,

The French King's Character.

ders, *and by which* Flanders *being left without Soldiers, the* French *King might make himſelf Maſter of it, and the late King* James *be reſtor'd* (to give it in Monſieur *Grandval*'s own words) carry'd with it ſuch forcible Temptations as were not in his power to reſiſt.

Madam de Maintenon's *Character, and part in this aſſaſſinating Deſign.*

9. Madam *Maintenon*'s part in this Affair, affords a ſhreud ſuſpicion againſt her great Benefactor. This Woman, from being the Wife of a poor deform'd Burleſque Poet, has riſen to one of the firſt Places of Confidence about the *French* King. If there were any ſuch thing in Nature as Charms or Filtres to incite Love, it's to the ſecret Force of them, that thouſands in *France* would be apt to impute this unaccountable Friendſhip and Intimacy betwixt *Scarron*'s Widow, and *Lewis* the 14*th*. It were hard to aſſign any other Cauſe that ſhould oblige the proudeſt Monarch upon Earth to lay aſide all his Glory and Pomp, to lock up himſelf above four hours every day in the cloſeſt Converſation, with a Creature that is now Miſtreſs of no other Charms but that of Wit. No mortal has more frequent or nearer Opportunities to know his Genius and Temper; and every body will allow her more Senſe than to imbark in ſo nice a Buſineſs, without ſhe knew before-hand that it would pleaſe him: nor is it to be dream'd that ſhe has ſo little Zeal to preſerve her ſelf in his favour, as to venture upon that which ſhe might eaſily think would oblige the *French* King, if he himſelf were innocent, to ſacrifice her to his Honour. And indeed, not only ſhe, but the reſt muſt be accounted down-right Fools, if they had ventur'd upon this Conſpiracy, without a natural foreſight, that unleſs they had their Maſter's Approbation, they might come to run the Fate of the *Amalekite that brought to* David *the Head of his mortal Enemy.*

Reflections on the whole.

And this leads me to one Reflection more, that muſt certainly caſt the Scale, in the opinion of all unbiaſs'd People, and which I doubt not but at this very day *is the determining Point that all* Europe *has in their view with reſpect to this Affair.* Here we ſee are concern'd two Perſons of the neareſt acceſs to the *French* King, and in his cloſeſt Confidence, Monſieur *Barbeſieux* and Madam *Maintenon*; here is concern'd his greateſt General, on whom he has laid the weight of his Fortune in this War, the Duke of *Luxemburgh*; and here are two other Perſons of conſiderable figure in his Army, *Paparell* and *Chanlais*: And to bring up the Reer, here are two Perſons employ'd in his Embaſſies abroad, *Bedal* and *Rabenack.* It's in the face of the Sun, and to the Conviction of all Chriſtendom, that all theſe Perſons are prov'd to have manag'd a Conſpiracy *to murder the King of* England. Now if the *French* King knows himſelf to have had no Influence on this Affair, we are certainly to expect that by this time they are in *the laſt Diſgrace with their Maſter*; and that for tainting his Service with ſo black a Crime, contrary to the Law of Nations, and all Rules uſual among Princes, they are at leaſt for ever baniſh'd *France.* There is no other means left now but this, to perſuade the World of the *French* King's Innocence: But if at any time hereafter we find that all theſe Perſons, or any of them, are continu'd in their wonted Favour and Employments, then all the Nations of Chriſtendom will take leave to conclude, *That theſe Conſpirators did no more but comply with the Commands of one they durſt not diſobey.* And that herein there is no hardſhip put upon the *French* King, I appeal to all the Princes of *Europe*, Whether or not, in caſe any of their Miniſters were found to conſpire the Murder of another Prince, tho ever ſo much their Enemy, they would not inflict at leaſt that Puniſhment, which we may well make the Teſt of the *French* King's Innocency in this Plot of the Marquis of *Barbeſieux.*

None of the Perſons concern'd in the Deſign cenſur'd or puniſh'd by the Fr. K.

Things omitted in the French *printed Account.*

To ſum up this Enquiry, it's worth obſerving, That in the printed Account there are a great many things relating to this Conſpiracy omitted, which his Majeſty, for ſome Reaſons of State, or perhaps out of a Principle of inimitable Generoſity, has thought fit not to make publick: For in the *French* Copy it's ſaid, with reſpect to the Circumſtances of that Deſign, *On n' en mettra pour tant que tres peu icy*; *Of which we ſhall mention but a very few here.* This Intimation is given us when it comes to mention *Leefdale*'s Depoſition; and it is not to be doubted, but this Gentleman being heartily reſolv'd all along to diſcover the Villany, he would omit no occaſion to pump out all that poſſibly he could learn relating thereto, in his converſation with the Conſpirators. So that whatever Provocations and perſonal Injuries the *French* King has done his Majeſty, it ſeems a greatneſs of Mind forbids him to expoſe his Enemy all he can.

Leaving the *French* King to waſh off from himſelf, the beſt way he can, the Blot that muſt ſtick to his Memory in this horrid Attempt, I can't omit to add to this, ſome remarkable Paſſages never hitherto made publick; by which the World may

ſee the Temper of our King, and the Unjuſtneſs and Ingratitude of ſome of his Enemies.

A remarkable Inſtance of the King's Generoſity to the Fr. K.

'About ten Years ago he receiv'd a Letter from an unknown hand, who yet gave 'himſelf a Name, in which he offer'd to deliver *Europe* from all her Fears, by de- 'ſtroying the *French* King; he deſir'd only a ſafe Refuge in *Holland*, and a ſmall 'Subſiſtence, much leſs than he ſhould leave behind him in *France*: He deſir'd an 'Anſwer might be writ to him, and left with the Poſt-maſter's Wife at *Paris*; and 'about a week after he writ a ſecond to the ſame purpoſe. The firſt Letter came 'to the then Prince of *Orange* at night, at *Loo*; and Monſieur *Dykvelt* hap- 'pen'd to be with him; ſo he ſhew'd him the Letter, and deſir'd him to go 'to the *Hague* immediately, and deliver that Letter to Monſieur *D' Avaux*, 'who was then the *French* Ambaſſador to the States. Monſieur *Dykvelt* made ſuch 'haſt, that he was with Monſieur *D' Avaux* next morning, and gave him the Let- 'ter (and the ſecond was likewiſe ſent to him) He receiv'd it with great Acknow- 'ledgments of the Prince's Generoſity, and ſent the Letter to *Paris*. The Poſt- 'maſter's Wife being examin'd, ſaid, That one had come ſeveral times to call for 'a Letter; but he not coming again, ſhe was order'd to go about *Paris* and ſee if 'ſhe could know him again: One was taken up who ſhe believ'd was the Perſon, and 'was put in the *Baſtile*; he happen'd to be a Proteſtant, which no doubt made the 'Court of *France* to like the Diſcovery the better. But when ſome of the Parlia- 'ment came to examine him, and to confront him with the Woman, ſhe, when 'ſhe view'd him nearly, and heard him ſpeak, own'd that ſhe was miſtaken, and 'that he was not the Man: ſo after a little while he was diſmiſs'd, and came into '*Holland* upon the general Perſecution of the Proteſtants.

By theſe Circumſtances it appears, That the Court of *France* believ'd that this was a real Deſign, and no Contrivance thrown out to try the Prince's Temper.

Another Inſtance of the King's horror to all aſſaſſinating Deſigns.

But another Inſtance ſhew'd, that the King looks on Propoſitions of this kind with ſo much horror, that he thought that which on all other occaſions was the moſt Sacred with him, I mean his Word, did not bind in this.

'A few days after the King came to the Crown, an unknown Perſon writ to the 'L. B. of *S.* That he had a Propoſition of great Conſequence to make to the King, 'if he ſhould have his Promiſe that he might do it ſafely. This the King allow'd 'the Biſhop to do; ſo he writ to him by the Name and Method that he had given. 'When he came to him, he told how long he had liv'd and ſerv'd in *Verſailles*, and 'how well he knew all the Method of that Court; and at laſt he came to offer to 'kill the *French* King. At this the Biſhop ſtarted up immediately, and ſaid, He 'thought the King was too well known for any to dare to come with ſuch a Propo- 'ſition; he hop'd he himſelf had been alſo ſo well known, that none ſhould have 'made it by him; he was ſorry that a promiſe was given of Safety, but he bid 'the Rogue be gone immediately. When he gave an account of this next day, 'the King thought he had carry'd the matter of the Promiſe too far; for no Pro- 'miſe was to be underſtood to relate to ſuch Crimes; and therefore he wiſh'd that 'the Biſhop had ſeiz'd on him, and order'd him to be ſure to do it if ever he could 'ſet eye on him again.

But ſince this is ſo noble a Head, and ſo ſutable to the Courage, as well as to the other great and truly Royal Qualities of our Glorious King, I will give ſome more Inſtances, which ſhew how little he deſerv'd of the late King that he ſhould encourage ſo black an Action.

The King's behaviour towards the late King.

'When he came firſt into *England*, he underſtood as he came along, that ſome 'began to talk of proceeding againſt King *James* his Perſon; and he deſir'd him 'that acquainted him with this, to find out who they were that held ſuch Diſ- 'courſe, for he would ſuffer none of them to ſtay about him.

And it appear'd very evidently at *Windſor*, how firm he was to this Reſolution: for when he had the late King in his hands, and that many adviſed him to keep him ſafe, at leaſt till *Ireland* were reduc'd, if not to the end of the War, ſome propoſing his own Town of *Breda* as a fit Place; he ſaid, *Thoſe Advices might be perhaps both ſafe and wiſe, but he could not follow them; for whatever he might do in the way of War, he could not bring himſelf to do any thing perſonally againſt him.* And he not only gave the Guards that waited on him publick Orders, but ſecret Directions to leave him at full liberty, as appear'd by the Event.

Another Inſtance will ſhew, not only how far the King is from the poſſibility of hearkning to all black Propoſitions, but even to indirect ones, when the Perſons of Princes may be endanger'd by them.

'When

'When the late King was in *Ireland*, a Propoſition was made by one that had ſerv'd him, and lov'd him, that he thought might put an end to the War. He ſent it to the King by the B. of *S.* it was this: He moved, That a Third-rate Ship well man'd, and well commanded, might be ſent to St. *George*'s Channel; and that when they ſhould come near *Dublin*, they ſhould have Orders to declare for the late King, and ſend him a Meſſage about it; which he who made the motion, and that was to go along in the Ship, ſaid he would be one of thoſe that ſhould carry it. He did not doubt but that upon the Invitation King *James* would preſently come aboard, and then they ſhould ſail away with him: But he added two things, the one was, That they ſhould have Orders not to bring him to *England*, or to make him a Priſoner, but to carry him either to ſome part of *Spain* or *Italy*, and there to ſet him aſhore; the other was, That he ſhould have ten thouſand Guineas conſign'd in the Ship to be given him in the place where they ſhould land him, that ſo he might not be in too naked a condition. When the King heard all this, he ſaid it look'd plauſible, and he verily believ'd it would take; but without taking time to think on't, he ſaid he would not meddle with it. He hated Tricks, and would be in none: Beſides, the late King if he came aboard, would bring ſome of his Guards with him, who without doubt would offer at ſome reſiſtance, when they ſaw themſelves catch'd; upon that a Diſorder might ariſe, and ſome of the Seamen might perhaps knock King *James* on the head: therefore he would go on in a fair open way, and truſt to the Providence of God while he maintain'd his Integrity. Theſe Inſtances will ſhew in how different a Mould the King was caſt, from thoſe who can either contrive or incourage the deteſtable Practice that is now by the good Providence of God diſcover'd.

A further Inſtance of his abhorrence of all treacherous Deſigns.

But to the Conſpiracy it ſelf. How far it went before Monſieur *de Louvois*'s death, we know no more by the printed Account, *than that it was concerted, and that* du Mont *was to be employ'd in it.* But there are undoubted grounds to believe it has been of an old date, and that more were concern'd in it than Monſieur *de Louvois* and *du Mont*. That there was one *Jones* employ'd to murder the King, both here before his Majeſty went to *Ireland*, and when he was there, the intercepted Letter of *Tyrconnel* to the late Queen, and a Journal of other Letters found at *Dublin* in a certain Cloſet, leaves us no ground to doubt. The moſt material ſteps that were made in it after *Barbeſieux* came to the Miniſtry, the printed Relation is pretty clear and exact.

One Jones *employ'd to aſſaſſinate the King.*

In the whole management of this Affair, the *French* Court has ſhew'd with a deep cunning the blackeſt Treachery againſt a Prince, whom their King pretends to protect.

The firſt and inmoſt Wheel of this Motion is not to be ſeen. The next is *Barbeſieux*, and he appears not to *du Mont* who is to give the Blow, and to run the moſt apparent hazard of being ſeiz'd and brought to a Confeſſion; but treats only with *Grandvall*, who is to ſhare the leaſt in the Danger, and is in leſs probability to be ſeiz'd, and he alone is to treat with *du Mont*.

Again, *Barbeſieux* pretends to inform *Grandvall* of a perſonal Injury done him by the King, no leſs *than the ordering his Father to be poiſon'd*, for which he ſaid he *might now be reveng'd*; and even to this he uſes only the ſoft word, *he ſuſpects it.* The reaſon of his pretending this, is only to cover the horror of the Deſign as to himſelf, with the notion of a perſonal Revenge for the murder of his Father; and uſes no harſher word, than *that he ſuſpects it*, to the end that *Grandvall* might not lay ſo much ſtreſs upon that ſtory, as to leſſen the true Motives he was to act upon, which *Grandvall* tells us himſelf, was, *becauſe his Majeſty was look'd upon as the only Obſtacle to the* French *King's Deſigns.* As for the ridiculous Story it ſelf, it were an officious piece of folly for any one to take further notice of it; the Monopoly of poiſoning is to be left to the *French* Court that deſerves it beſt, for the great Improvements they have made of late years in that Art.

Specious but falſe Pretences for carrying on the aſſaſſinating Deſign.

The *French* Court's management with regard to the Aſſaſſinate *du Mont*, is a continued thred of Craft, and the poor Wretch is cheated in the whole Tract of it; he is to kill the King, and thereby run an almoſt inevitable hazard of being either kill'd on the place, or taken and hang'd. But ſince no body will venture on ſuch an Action without ſome hopes of getting off, they feed him with a fine Project of *having* 1500 *Horſe the firſt year under the Command of* Grandvall *and* Parker; *and* 3000 *the next under Monſieur* Chanlais *himſelf, to reſcue and bring him off.* This is all ſtuff, and in the opinion of every body that underſtands any thing of War, was next to an impoſſibility, and it is ſtrange that he could not ſee through it; but it ſeems the

Du Mont *made believe he ſhould be ſafe.*

the Impreſſion of 20000 Livres of Eſtate, and a Knighthood of St. *Lazar*, had intoxicated him ſo, as to ſhut up all the other Avenues of his Soul. The *French* Court made their account, that *Du Mont* muſt be ſacrific'd, which is one of the Reaſons that *Barbeſieux* uſes ſo much Caution with him; and *Grandvall* tells *Leefdale* plainly, That it little concern'd them whether *Du Mont* was taken or not. But this is not all; the miſerable Creature is to be ſhamm'd out of his Life, which way ſoever the matter went. Upon his ſucceeding in the Attempt, he muſt either happen to be ſeiz'd, or to eſcape; if ſeiz'd, he is ſure to be hang'd; if he eſcapes, and comes back for his Reward, it's not to be doubted but he was to be hang'd likewiſe, 'and 'that merely to blind the World with a Notion of the *French* King's Abhorrence of 'the Act; *Du Mont* having nothing to ſhew for his Warrant, and *Grandvall* being the only Perſon that had treated with him, and that was in no Capacity to keep him harmleſs. It's true, We find that by means of his Wife, *Du Mont* had ſent ſeveral Letters to *Barbeſieux*; but *Barbeſieux* was better adviſ'd than to write him Anſwers himſelf, that being left to *Grandvall* to do: So that all along *Barbeſieux* is ſafe for any thing that *Du Mont* can ſay of his perſonal treating with him; and thus there is no imaginable way left for the Aſſaſſinate to eſcape the Gallows, whatever comes on it: for either he muſt be hang'd, if taken by the Confederates; or if he eſcape their hands, he muſt be ſacrific'd to a piece of Pageantry of the *French* Court.

Du Mont was to be ſacrific'd at any rate.

But the *French* Court, tho they were reſolv'd to ſacrifice *Du Mont*, they take all care poſſible he ſhall not fail in the Attempt: As they put him on the Action it ſelf with the hopes of great Rewards, and of being reſcu'd and brought off, ſo they put him on to do it in the manner that was leaſt likely to miſs: they tell him a falſe ſtory of the King's wearing a Coat of Mail; or rather, a Waſtcoat of Mail under his Clothes, as it's in the *French* Copy; and *Barbeſieux* is the Perſon that invents this, and commands *Grandvall* to tell it to *Du Mont*. The reaſon of this ſtory is, That *Du Mont* might not betake himſelf to the *Poynard*, which they foreſaw would be more difficult, as requiring nearer Acceſs to his Majeſty's Perſon, and likewiſe was not ſo certainly mortal; but to let him ſee the Neceſſity of uſing Fire-Arms, that kill at a greater diſtance, and ſurer. When in the mean time the *French* Court could not but know, That his Majeſty does ſo far neglect all ſuch Precautions as a Coat of Mail, that the Prayers of thoſe about him could never prevail with him to part with, or ſo much as to cover his Blue Ribbon or Star in Action. There is yet another Artifice us'd with *Du Mont*, to make ſure of him. It was reaſonable to ſuppoſe, from his abandoning the Deſign the year before, and his retiring to the Court of *Hanover*, that he might entertain ſome ſcruples about the Feaſibleneſs of his being reſcued by Perſons of no greater Figure or Command, than *Grandvall* or *Parker*: Therefore it is agreed upon, that one in a greater Poſt, and who is known in *France* to excel in the art of taking up Ground for a Camp, or laying an Ambuſcade, ſhould now command the Party that was to reſcue him; 'and that inſtead of 1500 Horſe, 'headed by *Grandvall* and *Parker* the year 1691, there ſhould be 3000 employ'd to 'that purpoſe the year 1692, under the Command of Monſieur *Chanlais*.

False Stories and Repreſentations made to Du Mont.

The King never uſes Armour.

But the Carriage of the *French* Court in this Affair, towards the late King *James*, is a Maſter-piece of Craft and Treachery. Here it is, that it were almoſt to be wiſh'd, that there were a Curtain drawn over that part of the Stage, where this unfortunate Prince comes to act ſo unnatural and ſo affrightful a part. That any one that ever fill'd the *Engliſh* Throne, ſhould be capable of ſo Unprincely a Revenge as Murder, is a very mortifying Reflection, and leads us naturally to look back to ſome ſhrewdly-ſuſpected Events that have fallen out in *England* of late years, which for ſome Reaſons are not now inſiſted on.

The Treachery of the Fr. *Court to King* J.

As in moſt of the Tranſactions of this Prince's Reign, he was impos'd upon by the *French* King's Deſigns, and gave himſelf up to the Meaſures given him from *France*, which prov'd his Ruin; ſo now, when under their Protection, they bring him in to cover and own a Tranſaction ſo baſe and horrid, that the *French* King had not the face to appear in it himſelf. They ſo order'd the matter, that *Grandvall*, *Parker*, and *Leefdale*, ſhould wait upon King *James*, and receive his Approbation of the thing, with Promiſes of Encouragement; and this is not done till the whole Deſign had been fully concerted before-hand. It was fit the Murder of the King ſhould paſs in the World as a Perſonal Revenge of King *James*, and that the *French* Court ſhould lay it upon the Quarrel betwixt thoſe two Princes; tho at the ſame time they had the chief hand in the Contrivance of it, were to reward the Inſtruments employ'd in it, and were to reap the greateſt Advantages by it. Whether that unfortunate Prince was ſenſible of this Trick put upon him, or whether his eager

The three Aſſaſſins wait on K. J. at St. Germains.

eager Deſire to ſee the King taken off, gave him no leiſure for Reflection, it's hard to determine: This is clear, that he thought himſelf no ways oblig'd to uſe the Precautions that even *Barbeſieux* had done; ſince that after his ſpeaking to *Grandvall*, according to the Words in the printed Account, *he was pleas'd to entertain* Parker, Leefdale *and him, all together on the ſame Subject:* for in the French Copy 'tis ſaid, *Qu' alors il a auſſi parlê avec le dit* Parker *and* Leefdale, *de cette Affaire*; *At the ſame time He* (meaning King *James*, and not the Priſoner *Grandvall*, as in the *Engliſh* Tranſlation) *ſpoke likewiſe to* Parker *and* Leefdale *about that Affair.*

The Treachery of the *French* Court towards King *James* in this Buſineſs is deep and black: All the World lays his Ruin at the *French* King's door; and it's to the Meaſures he gave him, that he owes the loſs of three Crowns. The leaſt amends could be made him for all this, was an honourable Retreat in *France*; yet that this is granted him only on the account of their own Intereſt, appears in a great many Inſtances, and particularly in the Part they bring him in to act in this Conſpiracy. If there had been true Friendſhip and Kindneſs meant him, they would never have put upon him a Neceſſity of making himſelf known in ſo foul a Deſign to three Perſons all at once; but would have at leaſt allow'd him the Precautions that *Barbeſieux*, if not the very ſame that one of his own Rank thought himſelf oblig'd to obſerve. *The* French *Court deal treacherouſly by K.* James.

But this is not all; In bringing King *James* to own this Buſineſs, the *French* Court did him the laſt Offices of an Enemy. Inſtead of promoting his Re-acceſſion to the Throne, they did more at one daſh to ſhut it for ever againſt him, than all that his Enemies could have thought of. With what horror muſt the *Engliſh* Nation have been ſtruck, to ſee a Prince that had recover'd them from the brink of Deſtruction, and expos'd his Perſon ſo often for their ſake; to ſee him, I ſay, murder'd by the bloody hand of a Ruffian! And with what Execrations and Cries for Vengeance, againſt both Actors and Contrivers of ſuch a Villany! Could the *French* ever imagine, that the way for King *James* to regain the Hearts of the three Kingdoms, which he had loſt by his endeavouring the Subverſion of their Laws and Liberties, was to hire three Parricides to murder the only Perſon that had ſecur'd theſe to them? *The diſmal Conſequences of ſuch a villanous Deſign.*

If the ſight of *Cæſar*'s Bloody Shirt had ſo wonderful an Influence on the *Roman* People, that *Brutus* and *Caſſius*, his Murderers, whom the very day before they had honour'd with the glorious names of *Liberatores Patriæ*, The Saviours of their Country, were thereupon forc'd to fly *Rome*, and ſeek Sanctuary elſewhere from their Rage; what juſt Reſentments would not the diſmal News of our *Britiſh Cæſar*'s Murder, and the ſight of a Queen, and ſuch a Queen, in Tears, have kindl'd in every *Engliſh* Breaſt, againſt the Perpetrators, Contrivers, and Abettors of ſo horrid and curſed a Crime?

The Caſe indeed is vaſtly different betwixt the *Roman Cæſar* and ours: The antient Frame and Conſtitution of *Rome* was ſubverted by the one; and the reſtoring to *England* its firſt and beſt Conſtitution of Government, is wholly owing to the other. Let us judg then, if the Murder of *Julius Cæſar* was ſo much reſented by the *Romans*, that nothing but the Blood of *Brutus* and *Caſſius*, two Men, otherwiſe excellent, and once their Darlings, could appeaſe their Wrath, and all this, becauſe, 'tho 'Cæſar had enſlav'd *Rome*, yet he was brave and vertuous; How much more deeply reſented would the Murder of a King have been, 'who inſtead of enſlaving his 'own Country, had ſav'd both it and ours; and whoſe Bravery and Vertue is 'equally the Admiration and Envy of his Enemies; and this procur'd by a Prince whom we had but too many Reaſons before not to love or wiſh for? *The difference betwixt this Deſign and that of murdering* Cæſar.

Thanks to Heaven the fatal Deſign has miſcarry'd! but ſtill the Guilt and Infamy remain: And we are either the moſt inſenſible, or the maddeſt People that ever was, if this one Action of the late King's, tho there were no more, don't ſtamp upon us an indelible Impreſſion 'of that dreadful condition we ſhould fall into, if ever 'thro the Anger of Heaven, or by our own Follies, we ſhould come again under 'the Power of a Prince of this Temper, and capable of ſuch Actions.

But how little Regard the Conſpirators had to King *James*'s Rewards or Intereſt, yet for whoſe ſake, and upon whoſe Promiſes of Recompence it was they acted, appears evidently by their own Confeſſion: 'It was 20000 Livres of Eſtate, and a 'Knighthood of St. *Lazar*, that *Du Mont*, and it was a Dutchy that *Grandvall* ex-'pected; and none of all theſe in *England*, but in *France*, and promis'd them by *French* Miniſters. As their Rewards were to be in *France*, ſo the Motives which wrought upon them, were thoſe which regard the *French* King and his Greatneſs; and for the Reſtoration of King *James*, that came in only by the by, and in conſe- *Rewards promiſed the Aſſaſſins in* France.

quence

quence of the other. So then, tho the late King was as forward as any of the reſt to come into the Conſpiracy, yet it was upon the *French* King's Credit, and for his Intereſt alone, that both *Grandvall* and *Du Mont* were perſuaded to engage in the Buſineſs.

What further remains neceſſary to be taken notice of with reſpect to this Conſpiracy, ſhall be done in as few words as poſſible.

The Deſign preſs'd on by Grandvall.

We find that upon the Rumour ſpread of ſome Diſorders in *Scotland*, which would oblige his Majeſty to croſs the Seas again, *Grandvall*'s patience was almoſt at an end, which puts him upon haſtning *Leefdale* with this Expreſſion, 'Dear Friend, we are 'like to loſe our Fortune; I beg of you that we may go away immediately. He had ſwallow'd a Dutchy already in his Thoughts, and was impatient till he was put in poſſeſſion of it, by ſucceeding in his Errand to *Flanders*. But his going into the Jeſuits College at *Bruſſels* on the Road, to beg that God would bleſs their Undertaking, was, after all, a clear Demonſtration, that one principal Motive that had been ſuggeſted to him to murder the King, was the account of Religion: For when was it heard, That an Aſſaſſinate, ſet on by a mere perſonal Revenge or Intereſt, had the Impudence to beg the Aſſiſtance of God Almighty to an Undertaking of that kind? This is a convincing Argument, that he thought God's Glory was concern'd in an Attempt to take off a heretick Prince that ſtood in the way of his Maſter's Deſigns. We know how far of late years the Court-Divines of *France* have carry'd their caſuiſtical Doctrine, to patronize the very worſt of Actions, where they tend to the Glory or Intereſt of the *French* King. In ſeveral of their printed Theſes they have poſitively aſſerted, 'That an Action in it ſelf morally ill, becomes good, if the In-'tention be to ſerve the King, or extirpate Hereſy. No wonder then, that a Perſon of *Grandvall*'s Temper, and embark'd in ſuch an Affair, ſhould embrace a Notion of Divinity that might ſet his Conſcience at eaſe in what then he was going about.

Religion the principal motive for aſſaſſinating the King.

In the printed Account we find Monſieur *Maureau*, Envoy from *Poland* to the States, is mention'd, 'as one that kept a cloſe Correſpondence with *Bedall*, and by 'his Means with the Court of *France*; and are told, that by the help of theſe two, 'the *French* Court manag'd their choiceſt Correſpondence in *Holland*. It may not be altogether improper to give ſome hint what this *Maureau* is, and from thence we may obſerve the ſubtile management of the *French* Miniſters.

Monſieur Maureau's *Character.*

This is a Man of extraordinary Parts, and an unbounded Ambition. He was formerly one of the three extraordinary Provincial Treaſurers of War in *France*, which place he kept about eight years together. In the year 1682 (if I miſtake not) he was arreſted, together with *Arnauld* and *Talon*, his two Collegues, *Pour avoir diverti une grande ſomme des deniers du Roy*; in plain *Engliſh*, *For having robbed the King of a vaſt Sum of Mony*. All three were carry'd to *Amiens* in order to be try'd for their Lives before Monſieur *d' Bretuell* the Intendant; but before they were brought to their Trial, *Arnauld* prevented his Judges, by killing himſelf in Priſon; the other two were found guilty, but at the Sollicitation of Monſieur *Louvois*, whoſe Creatures they had been, they were only ſentenc'd to be baniſh'd for ever the Kingdom of *France*, and to have all their Eſtates confiſcated. Whereupon they retir'd into *Holland*, where ſome time thereafter, by the means of Monſieur *Bethune*, the Favourite of the Queen of *Poland*, *Maureau* was made Envoy from that Crown to the States. Now, who could have imagin'd that a Man thus baniſh'd, ruin'd, and affronted in *France*, ſhould become one of the two Perſons, that the *French* Court employ'd to manage their choiceſt Correſpondence in *Holland?* This ſeem'd yet the more improbable, becauſe *Maureau* was noted for exclaiming in all Companies, and on all Occaſions againſt the *French* King and his Actions; inſomuch, that it was wonder'd at by every body, how a Man employ'd in an Embaſſy from a neutral Crown, came to ſhew ſo openly his inveterate hatred againſt *France*, without the leaſt reſerve of good Manners.

Made Envoy from Poland *to the* States.

It appears now, that all was but a ſham to carry on with leſs Suſpicion his Intrigues with the Miniſters of *France*. And in gaining a Man that they had ſo ſenſibly diſoblig'd, and who of all others was in leaſt hazard of being ſuſpected by the States, the *French* have given us a remarkable Inſtance, both of their Cunning, and of the Means and Power they have to corrupt Men into their Intereſt.

It may perhaps be expected that a Character ſhould be here given of the reſt of the Conſpirators; but the Conſpiracy it ſelf lays it ſufficiently open, what ſort of Men they muſt needs be that could enter into it. Only this may be further ſaid of them in ſhort; Monſieur *Bedall* is the Son of a Merchant in *Paris*, who has ſince been

M. Bedall's *Character.*

been ennobled in *Sweden*, under the Title of Baron of *Alsfield*. He has all his Life-time been but little oblig'd to Fame, and ever paſs'd for a Man capable of any ſort of Villany, that might ſerve to make his Court, or raiſe his Fortune.

Monſieur *Paparell* was born and educated a Proteſtant, and chang'd his Religion to ingratiate himſelf with the Court, being look'd upon as guilty of a great many groſs Immoralities in his Life, and one that adores no other Divinity than that of *Lewis* the Great. *Paparell's Character.*

Monſieur *Chanlais* has ever till now appear'd a Man of more Honour than moſt of the Court of *France* are; he paſſes for a Man of Intrigue and Parts, and was thought a fit Perſon to be employ'd the laſt year to manage an Accommodation betwixt the *French* King and the Duke of *Savoy*: But it ſeems he has at length ſacrific'd his Reputation and Vertue to an irregular Ambition, and a Deſire to pleaſe his Maſter. *Of Monſieur Chanlais.*

As to our *Engliſh* Champion, *Parker*, his Character is well-known here, and is very apparent by the villanous Part he has acted in this Conſpiracy. But there is one thing relating to this Man's ſhare of the Plot, that muſt not be paſs'd over in ſilence, and which brings us to look back to the time in which this Villany was to be executed. *Parker's Character.*

It was thought ſtrange, that the *French* were no earlier in the Field this Spring, conſidering that their greateſt Advantage lies in being able to draw their Forces out of their Winter Quarters ſooner than the Confederates, for the moſt part, can do. But they were reſolv'd this year to play all their Engines at once, 'The *French* 'King was to be in *Flanders*, *Namure* was to be beſieg'd, King *James* was to land 'in *England*, and his Majeſty was to be murder'd, all about the ſame time. To nothing elſe, but the concerting all theſe Deſigns together, can the Delay of the *French* King's Journy to *Flanders*, from day to day, for more than ſix Weeks together, be attributed. *Why the* Fr. K's *Journy into* Flanders *was delay'd.*

But there is this yet to be further remark'd, That at the ſame time that *Grandvall* and *Leefdale* take Journy from *Paris* to *Flanders*, *Parker* comes over to *England*. We have all reaſon to remember the great hopes our Malecontents expreſt here at that time, and how ſure they ſeem'd to be of ſome new Revolution. It's true, theſe People are eaſily buoy'd up on the leaſt Appearances; and every ſmall Accident that ſeems to favour their Cauſe, raiſes their hopes beyond all Bounds. But about that time, ſo much Joy and Aſſurance was viſible in their very Countenances, as ſeem'd to proceed from a fixt certainty they had, of ſome mighty Succeſs which they hop'd for in their Affairs, that we could not poſſibly dive into. It's true, the *French* King was in *Flanders*, and King *James* was waiting the firſt Opportunity of Wind and Tide to waft over his Army into *England*; But even all this could ſcarce make up more than a Probability, much leſs a Certainty of Succeſs. His Majeſty was already on the other ſide, and his Army was drawing together from all Quarters to oppoſe the *French*. Our Fleet was at Sea, and a far braver one it was, than the *French* could poſſibly ſend out againſt us. Whence then could all this Confidence proceed? There muſt certainly be ſome other thing in it than we were then aware of. Jacobites *look for a Revolution here.*

Parker's coming over at that time, and his correſponding with his Friends here, carries with it a ſhreud Suſpicion of what we may reaſonably judg was the Ground of all this Inſolence of the Party.—— It were folly to imagine he ſhould make publick among them, the Deſign then in agitation to murder the King: It was too great a Secret to be communicated to many. But on the other hand, it's ſcarce to be thought, but that *Parker* aſſur'd his Friends in general, 'That there was ſome great 'and certain Event ready then to break forth, that would decide the Controverſy; and he might even venture to open the Secret to ſome of the firſt form amongſt them.

It were harſh, and might ſeem ſevere to ſuppoſe, that our Malecontents could be brought in, either to contrive or conſent to murder his Majeſty in cold Blood, tho 'tis to be fear'd there may be found among them ſome more than *Parker*, capable of ſo much Wickedneſs: yet it's not to be doubted, but the moſt part, if not all of them, would have heartily embrac'd the Advantage of ſuch a Conjuncture as that which muſt needs have attended the Blow, and then have ſatisfy'd their own Conſciences and Honour, by putting a Diſtinction betwixt the Treaſon and the Traitor. They might abhor that Villany, and yet ſtrive to reap all the Profit they could from it: for it were too ſevere a Trial of their Vertue to hope they would have chang'd Parties upon ſuch an Accident.

Grandvall's *Trial not put to the Torture.*

It remains only, that we should take notice of his Majesty's Carriage as to *Grandvall*'s Trial. In *Flanders*, and all other Countries where Torture is admitted, never any Assassinate escap'd it but he. It is not look'd upon as a sufficient ground to excuse a Criminal from it, that he voluntarily confesses his Indictment. On the contrary, if there lie probable Grounds of Suspicion of any one as Accessary, that he does not name in his voluntary Confession, the Criminal is put to the Torture, to answer, Whether that Person suspected, be accessary to the Crime or not. Now in this Case, there were the greatest Presumptions that possibly could be, of the *French* King's being concern'd; and doubtless the Council of War (as every body else that's not prejudic'd) were of that Opinion. Yet all this could not prevail with his Majesty to put this Wretch to the Torture, nor was he put so much as in Irons (the Fate of every ordinary Felon) a Generosity without Example!

The King's Generosity to him.

Grandvall *manages the* French *King's Reputation.*

But that *Grandvall* kept a reserve with respect to the *French* King, in the whole thred of his Deportment and Confession, is very probable. He saw there was no necessity put upon him to confess more than what *Leefdale*, *Du Mont*, and *d' Amours*, either had or could depose against him: He knew they could say nothing of the *French* King in the Affair, and indeed were acquainted with little more than what he himself thought fit to tell them, having lain under no Temptation to name the *French* King to them, tho he had known him to be concern'd; it being enough that what was promis'd them, was in *Barbesieux*'s name. Upon all which Considerations, and that he was to die however, and that without any previous Torture to oblige him to a further Confession, he had been a mad man indeed to have needlessly acknowledg'd any thing that might immediately reflect upon his Master, of whose Glory the Action it self, for which he was executed, shews him to have been an Idolater.

No confession extorted from him.

There might likewise be another Motive to induce a Man, that knew himself without the Compass of a Pardon, to use some Reserve. He left Friends behind him, and particularly the Lady to whom he writ his last Letter, mention'd in his Trial, who is thought to have been his Mistress; and it was but reasonable to him to hope he might, by observing so great a respect to the *French* King at his Death, oblige him to take some care, both of her, and of his other Relations after he was gone. The Letter he wrote to this Lady, carries with it something of Mystery, and would seem to point towards somewhat of this kind. Sure there was no need for him to desire her to go to the Archbishop of *Rheims*, to tell him, That it cost him his Life for having obey'd the Orders of Monsieur *de Barbesieux*; since his own publick Confession told that, which he might well imagine would be carry'd to all the Nations of *Christendom*, and to the Court of *France*, as soon as to any: therefore it is but reasonable to suppose, that some hidden Intimation was given to the Archbishop of *Rheims* by this strange kind of Letter, which tho we do not understand, the Archbishop himself no doubt does.

I have done with this Paper, and tremble to think, for I am sure I cannot reckon up, what the Consequences of this Assassination would have been, if the Anger of Heaven had, for the Punishment of our Sins, suffer'd it to take its effect. They are much more easy to be imagin'd than express'd. *Minds less black than theirs, who contriv'd it, can hardly conceive what a Scene of Barbarity and Cruelty, of Blood and Horror, must have follow'd upon it.*

Short and impartial Conſiderations upon the preſent State of Affairs in England.

Publiſh'd in Nov. 1692.

IT is amazing to conſider the ſtrange turns of Providence in the greateſt Tranſactions of humane Affairs, ſuch as the Revolutions of States, and the Changes and Alterations in Governments; which ſince they are God Almighty's immediate Work, and conducted by him, whoſe Power nothing can controul, one would think they ſhould receive their Accompliſhment all at once, and have their Progreſs and End anſwerable to their beginning: whereas we often ſee on the contrary, that the moſt glorious dawnings of Liberty are overcaſt on a ſudden, the Springs of Actions fall from their Vigor, and grow feeble, the whole Motion becomes heavy and irregular, as if the great Maſter Workman had met with an impediment, that he could not go on, and was check'd by the unworthineſs of thoſe he had begun to appear and act for.

An Alluſion to the Children of Iſrael's *coming out to* Egypt.

When *Iſrael* came out of *Egypt*, and their Leader and Deliverer, eſpecially commiſſionated and appointed by God, had enter'd upon his Charge; when Kings were confounded for their ſakes, and the Sea divided to give them paſſage, and then return'd to its Channel to incloſe and overwhelm their Enemies, what could one expect from ſuch a ſeries of Miracles, but that they ſhould have been directly conducted to *Canaan*, as faſt as they could have mov'd upon the Wings of Victory, to take poſſeſſion of a Land, which ſeem'd promis'd to their Forefathers for that Generation to inherit? Yet inſtead thereof, we find them led about in the Mazes of a Wilderneſs, and ſo long forc'd to wander, till two only of all that vaſt number, who by their growth and maturity had any remembrance of *Egypt*, were left alive to taſt the ſweets of *Canaan*; the reaſon whereof ſtands upon ſacred Record, *viz.* their Ingratitude towards God, and towards Man: there is interwoven with their whole Story a ſtrange Account, how ſoon they forgot the Holy One, who was ſo viſibly preſent among them; to which is added their frequent murmuring againſt their Leaders, taking upon themſelves a liberty to cenſure them, and lay it as a miſcarriage at their Door, if any thing happen'd otherwiſe than they expected; which was even carry'd to ſo great a Delicacy, that *Moſes* was in fault, if they had not variety, as well as plenty: ſometimes the Government was charg'd with being arbitrary, and taking too much upon them, when a few diſcontented Heads of Families wanted Employments, and grumbled that they were excluded from the management of Affairs. Laſtly, they are branded with a faint-heartedneſs, and deſponding of God's Power and Goodneſs, after ſo many inconteſtable Proofs given them of both, which was particularly remarkable after the Spies were return'd from viewing the Land, and had made their Report, which they did faithfully as to the Goodneſs of the Soil, but puſillanimouſly as to the difficultys that lay in the way; when only ſtout *Joſhua*, and honeſt *Caleb* were neither frighten'd themſelves, nor terrify'd others, aſſuring the People, there was nothing that they would not overcome with eaſe; *for what was on their ſide, was more than what was againſt them*: but they being now ſtrongly poſſeſs'd with imaginary Apprehenſions, and fondly being impos'd upon, and impoſing upon others, they ſo far loſt all ſenſe of Manhood, that they thought it was better for them to return to their old Slavery, than to hazard any more for retaining their Liberty. Their former Cry was, Can God furniſh Water, and can he ſupply us with Bread in the Wilderneſs? and now it run, Can he ſubdue theſe Sons of *Anak*, and deſtroy ſuch a Race of Giants? There is no doubt but the ſame Power which had wrought ſo many Miracles, can

add to the number. There is no doubt but God, who had forc'd Nature out of its Courſe, can with more eaſe get the better of Man, however terrible we figure him to our ſelves. And it is moſt certain God will do all that he has promis'd; but there is no reaſon they ſhould expect to ſee it, who are always diffident, always tempting him, and who omit no opportunity to call his Power in queſtion: but thoſe who had liv'd ſo long in a conſtant contradiction to the Divine Will, God ſet himſelf at laſt to contradict them, ſo that they were gratified with neither of their Wiſhes; they neither were allow'd to go backward to *Egypt*, nor forward to *Canaan*, *but their Carcaſes fell in the Wilderneſs.*

The Caſe of England *compar'd with that of the* Iſraelites.

What ſhall I ſay now, that I tremble, or that I rejoice, that our Caſe in *England* is ſo nearly parallel'd with that of the *Iſraelites?* It cannot be diſown'd, but that our late Deliverance was the greateſt, next to theirs; and it might be equal'd to it, but that ours was from an impending Bondage, and theirs from what they had groan'd under ſome hundreds of years; neither one, nor the other could be effected by our own ſtrength, or ſingle endeavors; but in the one God appear'd by Miracles, and in the other by extraordinary Providences, which are no leſs ſignal marks of his being preſent among us, as alſo that this Work is of him, and therefore it ſhall ſtand, whether it receives its perfection or not in our days, who I fear are juſtly to be reproached with all the Folly that *Iſrael* was guilty of. Can we ſay we have had any truer ſenſe of what we owe to God for all the Mercies he has beſtowed upon us? Have we not rather caſt him further out of our Thoughts? Are not our Profanations rather increaſed? Is not all manner of Leudneſs and the vileſt Debaucheries, which the late Reigns are made infamous for incouraging by great Examples, now carried to a further degree of Scandal, and a higher pitch of Impudence than ever? Are theſe Morals to draw a Bleſſing upon a Nation, or to procure Aſſiſtance from Heaven?

Murmurers among us.

Have we not likewiſe among us the Murmurer, the Diſcontented, the Envious, and the Buſy-body? I don't ſpeak now of the profeſs'd Enemies of our Eſtabliſhment; for they tho they are with us indeed, and barefac'd too, yet they are not of us, they have ſeparate Principles, and ſeparate Ends; and therefore perhaps one may be tempted to wonder at our Patience, if they ſhould be ſuffer'd much longer indiſtinguiſhably to mix with us: I mean ſuch as have no diſguiſe for their ill Affections, but dare publickly rejoice at what all honeſt men look upon as a national Calamity, and openly repine at, or undervaluingly leſſen all our Succeſſes. Is it not yet time to renounce any further Society with thoſe, who have choſen to worſhip other Gods, and live in a publick Profeſſion of it, eſpecially ſince their Converſation has no other tendency, but to inveigle and delude the unwary, till they can find an Opportunity to confound and deſtroy all? A People muſt fall unpitied, who take no care to ſecure themſelves againſt an inteſtine Enemy, that uſes no care to conceal himſelf. I thought there was nothing ſo ſenſible as to be deſpis'd; I am ſure nothing is more viſible, than that we are contemptibly treated by theſe People, and they that have a faculty of bearing it long, are at laſt thought to deſerve it; but I hope our Government is not under ſuch a degree of Impotence, as not to have the means in its hands to vindicate it ſelf: therefore I don't pretend to concern my ſelf with ſuch as theſe, whom I leave to the Laws that are already made; or if they are too weak to reſtrain them, to ſuch as ſhall be thought fitter, hoping that no partial Conſiderations inclining to favour ſome particular Perſons on other accounts, ſhall obſtruct any vigorous Reſolutions to ſupport the Dignity of the Government, and firmly to provide for the publick Safety.

The Perſons aim'd at in this Diſcourſe.

The Perſons whom I now ſpeak of, are of a far different ſort, whom I look upon as Friends ſtill, tho they may be grown cooler upon ſome melancholy Reflections, as if their Deſerts were not enough taken notice of, nor their Services rewarded. The Notion they have entertain'd of Liberty, won't allow them to think it ſafe, unleſs the Conſervators of it are exactly according to their Standard: the Remembrance of what ſome of them may have ſuffer'd in former Reigns, inclines them to forget that an Act of Grace has paſs'd ſince; and therefore they don't conſider, that when the Conſent of a Kingdom has drawn a Veil of Oblivion over paſt Miſcarriages, it is then Un-Gentleman like, if not odious, to have too good a memory. They are too rigid Examiners of the Miſtakes of thoſe, that are not in their good Graces, and at the ſame time overlook perhaps as groſs Faults in thoſe whom they honour with their Friendſhip, which yet detracts from the Credit of (what they would pretend to be) Reformers, and diſcovers that they are animated by the narrow Spirit of a Party. They only contemplate and expoſe the frail ſide of

thoſe they don't affect, and won't allow the Ballance to be laid before them, of the Good and Evil they have done, to make a proportionable abatement according to Prudence and Equity. They would introduce a Maxim, than which nothing could be more unjuſt, nor more unfitted for the Condition of human Life, which is a ſtate of Weakneſs and Recollection, *viz.* That no ſubſequent Behaviour can expiate for any paſt failings; which, God be thanked, is not agreeable to Divine Juſtice, and ought therefore to be ſuſpected, as far as it departs from that Rule. They are ſo enamour'd with their own Capacity, and ſo fully ſatisfy'd that theirs is the proper Talent for buſineſs, that they think it is being injurious to the Publick, not to imploy them in the way they would propoſe: and to poſſeſs a Place, which they conceive would better become themſelves, or to enter into a Concurrence with them, are Crimes irremiſſible. They don't pry, but rake into the Actions of great Men, as if they had an Intereſt they ſhould be faulty, and were to ſhare in the Forfeiture or Compoſition; for they are not ſanguinary but by accident, as they may be heated by Oppoſition, otherwiſe thoſe that have been repreſented for the blackeſt Offenders, and even Subverters of Fundamentals, they can be contented that their demiſſion ſhould be their Puniſhment.

Maxims of the diſcontented Party.

Thus Guilt ſticks to places of Profit and Credit, as the *Jewiſh* Leproſy did formerly to the Walls of the Houſes; and you muſt go out of them, to get clear of the Infection: But tho theſe are Obſtacles to the Repoſe of a Country, which keep it in a conſtant Vibration, that it cannot find its Center of Settlement; yet ſince theſe Paſſions don't fall upon the ſtupid and unthinking, I hope the good ſenſe of thoſe who are at preſent unluckily biaſs'd by them, will reſtrain them from ſinking the Veſſel in which themſelves are imbark'd; tho the Helm be not committed to them, I promiſe my ſelf, that Perſons of Underſtanding and Knowledg in the World, will rather find out means to recover the Ground they ſeem to have loſt, than be obſtinate to make their ways more ſlippery, till they are carry'd upon a Precipice, where the next ſtep muſt be inevitable Ruin. Their Experience will teach them, they ought to be contented to ſhare the Favours of the Government, without ingroſſing them; and that when a Nation is unhappily divided into Parties, whoſe Numbers are pretty equal, and their Intereſts diametrically oppoſite, it is then the greateſt kindneſs to each, as well as the concern of the whole, that neither ſide ſhould be put into the power of the other, but that Matters ſhould be manag'd by ballanc'd Counſels, as Foreigners are try'd *per medietatem Linguæ*.

Places of Profit the great matter of Diſcontent.

They cannot be but now convinc'd, that a cenſorious ſtiffneſs is only adapted to *Plato*'s imaginary Republick; but Inſinuations, proper Condeſcenſions, and reaſonable Compliances, are the Qualities that recommend at Court, as they do indeed in all other Converſations and Friendſhips: for that Man muſt live alone, who will be always impoſing his own Senſe as a Law, who never ſpeaks but to cavil and find fault, and never hears but to contradict; and his Advice will be rarely askt, who does not allow a liberty not to follow it, tho it be found defective and miſtaken. They eaſily ſee that a King of ripe Years and mature Judgment, won't bear being put back again into Pupillage; nor long underſtand it as a Service, to be adviſ'd to clip the Monarchy, to make himſelf great. When the *Jews* towards the latter end of *Samuel*'s judging them, having no good Opinion of the Duumvirate of his Sons, who ſeem'd deſign'd to ſucceed him, deſir'd a King after the manner of the *Eaſtern* Nations, which were the Countries about them; *Samuel* fairly laid before them, what were then the Rights of thoſe Monarchies, and what they were to expect under them; that ſuch Princes would command the ſervice of their Perſons, and of their Cattel, as their Occaſions requir'd either; that they would diſpoſe of their Daughters and young Men into their ſeveral Palaces for the uſes of their Family, and others they would place in their military Chambers to be imploy'd in their Wars; that they would be Maſters of their Lands, and perhaps ſometimes make Preſents of them to their Eunuchs and Favourites, as we ſee practis'd in thoſe Countries to this day, where a deſpotick Form of Government is ſo eſtabliſh'd by the moſt antient Preſcription, that tho they ſometimes change their Princes, and ſet up others, without regard to the ſtrict Rules of Succeſſion, yet even in thoſe Caſes they never yet thought of altering the Maxims of their Government, and accommodating them more to private Intereſt, by way of Compoſition with the Succeſſor; but when they give the Crown, they give it with all its Ornaments and inherent Rights, as thinking them indiviſible from it. Nor do we find that the *Jews* made any Exceptions to the declar'd Prerogatives of thoſe Monarchs, or offered

Reaſonable Compliances neceſſary.

fered any Limitations or Reſtrictions for their peculiar exemption; but without other Capitulation they ſtill preſſed, they might have a King like to their Neighbours.

Character of an Engliſh *King.*

So the People of *England*, when they were juſtly apprehenſive of falling under a Foreign Yoke, which neither we, nor our Forefathers could bear; we then begged of Almighty God that we might have an *Engliſh* King, that is, one who ſhould govern us according to our Laws, and not ſet his own Will above them, who ſhould neither invade our Property, nor lay ſnares for our Liberty, but ſhould protect both without reſpecting of Perſons, and to that end take care of an equal Adminiſtration of Juſtice; who ſhould maintain the Religion eſtabliſhed, with a tenderneſs to thoſe who cannot bring themſelves to a Conformity to it; and in ſhort, one in whoſe Reign Juſtice and Mercy ſhould meet and embrace, Charity and mutual Forbearance ſhould grow in requeſt and be promoted, and Induſtry and Honeſty ſhould have nothing to fear, but every thing to hope for.

Now praiſed be our God, who has heard our Prayers, and given us a King and Queen, that are the Patterns of Innocency and Moderation, who have no divided Intereſts from their People, and can have no Deſigns but to make them united and happy. We have a Prince, who according to the moſt celebrated Precedents of the beſt of his Predeceſſors and Anceſtors, is always ready to go out with our Hoſts, who upon all occaſions expoſes his ſacred Perſon, and a Life that is ſo precious to us, becauſe there are no other means left to preſerve us from the devouring Jaw of an overgrown Enemy: It is his Preſence only, and his Credit which can form an Oppoſition to prevent the Ruin of all *Chriſtendom*, and the ſetting up another Univerſal Monarchy, under which we are ſure to be the worſt and moſt inhumanly treated. It is for him therefore *that the Net is ſpread*, and all the Machinations that Hell can invent are put in practice to extinguiſh the Light of our Eyes, and to ſtop the Breath of our Noſtrils.

Malice of France.

The Miniſters of *France*, from Father to Son, make Court to their Maſter, by contriving or receiving Projects of all ſorts of Murders, Poiſons and Aſſaſſinations, pointing all their Malice againſt one Crowned Head; being aſſured, that if ever it takes place, they ſhall effect what the bloody Emperor only wiſhed, and at one blow cut off the whole Force of *Europe*. Ought we not therefore on our ſide gratefully to conſider what we owe to ſuch a Prince, not only for undertaking our Deliverance at firſt, but that ever ſince he has declined no Hardſhips nor Hazards to procure our Safety and Security? Will it become us to add to his Difficulties and Troubles, by our querulous Humours, and giving him occaſion to think, that after all we ſuſpect the Sincerity of his Intentions? Should we not rather jointly endeavour to make the Crown ſit eaſy, where we have ſo deſervedly placed it? Should we not be as tender and zealous for what relates to the Head, as for any thing that concerns the Body? Or is it more than Juſtice to give unto *Cæſar* the things that are *Cæſar*'s? Who is not ſatisfied that theſe are ſome of the undoubted Prerogatives of a King of *England*, that he ſhould have a ſettled Revenue fit to ſupport his Dignity, ſo that he need not be obliged to have recourſe to his Peoples Aid to live as a King, but only for the extraordinary occaſions of the Kingdom; that he be allowed freely to chuſe thoſe he will adviſe with, and pleaſe himſelf in thoſe he will be ſerved by? And if we cannot bear an Abridgment of theſe Privileges in a private Family, much leſs ought they to be repined at in a Sovereign. I don't ſay, that any ought to be exempt from anſwering for any enormous Crimes, provided it be not made one, to be a Counſellor or a Servant in Credit with the King, who otherwiſe, I think, as St. *Paul* pleads for the Labourers in the Goſpel, *ought to be had in eſteem for their works ſake*; and I cannot but ſay, they would be very unfairly dealt with, if they ſhould be pointed out, and ſtand as Marks for Envy and Malice, only for being capable by their Genius, Aſſiduity and Abilities, to ſhare the Cares, or ſoften the Toils and Chagrins, that are inſeparable from Royalty.

The Character of the timorous Party.

There remains yet a third ſort, who ought not to be paſſed over in ſilence, for I fear their number is much more conſiderable than the former, tho that is all that can be conſiderable in them; and thoſe are the Timorous, the Diſpirited, the Unactive, and the Over-credulous always to their own Diſadvantage: ſuch as theſe keep us out of *Canaan*, and retard our Settlement, not by any aſſiſtance they give our Enemies, for they are not capable of acting either way, but by caſting a damp and diſcouragement upon the beſt of Cauſes, and by withholding the Divine Aſſiſtance, which is never given to thoſe who will not help themſelves: To the daring and confiding, God ſays, Be it according to your Faith; but to the fainthearted Wretch, Be it according to your Fears. They retain indeed the Shapes of Men, but they demean

mean themſelves, as if they were of the Race of *Iſſachar*, made *to bear Burdens, and couch under them*; they ſeem to know the Bleſſing of Liberty, and were it to coſt them but a Wiſh, they would not be without it: but they don't enough reflect that in proportion that any thing is valuable, it muſt be purchas'd at a higher Price; they don't look abroad, and ſee, that in other Countries, they have thought their Freedom from a ſervile Subjection well bought at the Expence of infinite Treaſure, of Streams of their Blood, and the Continuance of a War from Father to Son. Theſe People hunt after all Reports, and are always doubting of favourable ones, but are ſtruck if any thing goes ever ſo little amiſs; they think every Diſaſter is deciſive, and that a Cauſe is loſt whenever the Enemy gets any Advantage.

Practice of ſome Rom. *Generals.*

We read in the *Roman* Hiſtory, that when the Chance of War turn'd againſt them, as it did ſometimes with a terrible Reverſe of Fortune, ſome of their Generals could not bear to ſurvive a Diſgrace; but according to the Bravery practis'd in thoſe Times, the Death they could not meet with in the heat of Action, they were Authors of to themſelves in cold Blood, as thinking it more becoming them, to keep Company with thoſe who died in Battel, than with thoſe who fled from it: But others of them, who had a righter Notion of the many Turns and Accidents in human Affairs, and conſider'd that Men ought always to ſtrive, and expect that one happy Day ſhould repair the Injuries of another, did all they could to make the beſt of a Retreat, to rally their ſcatter'd Troops, and bring them into places of Safety, to be ready for another Trial; and theſe the Senate always complemented, for that they did not caſt off all Hopes, and deſpair that the Commonwealth ſhould ever recover the Loſs.

The World is a Scene of variety of all ſorts, there is always a Succeſſion of Clouds and Sun-ſhine, a chequering of Succeſſes and Misfortunes, that no body need to deſpair; but the Brave, the Diligent and the Perſevering will have their ſhares of proſperous Events, as they muſt now and then bear the unlucky ones. Thoſe only are mark'd out for Ruin, who baſely deſert themſelves, caſt away all means of their Defence, and the utmoſt Neceſſity cannot make them Valiant. In an Army it is certain that every Man is not a-like ſtout, nay the difference is vaſtly great; ſome have a natural and original Courage, which prompts them (as one may ſay) to fall on without Officer or Drum; they have a Heart to attempt any thing, and a Reſolution to die or conquer: others only have a copied Courage, and are brave by Imitation, they are animated by great Examples, and aſham'd to ſtay behind, when they ſee their Companions puſh on ſo vigorouſly: there is a third ſort, that as a noble Poet of ours formerly obſerv'd, would be Cowards, if they durſt; they can't well bear the Face of an Enemy, but when they conſider, if they turn their Backs, they ignominiouſly fall upon the point of an Officer's Sword, the more prevailing Fear makes them keep their Ranks, ſtand their Ground, and they make a ſhift to kill their Man *ſe defendendo*, becauſe they can avoid it no longer. The Caſe of our Poltrons in the State, if they conſider it aright, is not unlike to theſe in an Army; they would fain be ſafe themſelves, and upon that Condition they would hurt no body elſe; but they don't ſee that it is now too late for any ſuch Compoſition, there is no Medium left, but to contend or periſh; all they can otherwiſe hope for is to be Priſoners at Diſcretion, that is, to have their Perſons and Eſtates at the mercy of thoſe who know none, to be given up to ſuch who have the *Engliſh* Name and Liberty in the greateſt Averſion, who will content themſelves with nothing leſs than to tyrannize over Body and Soul. Do you think you have a *Julius Cæſar* to deal with, who had the Generoſity to declare, and the Faith to keep his Word, that whoever did not oppoſe him, he would look upon him as of his ſide?

Effects of natural Courage.

K. J. has it not in his Power to perform any good Promiſe.

What is more obvious, than that if you don't maintain your preſent Liberty, you fall into the hands of one, who, tho his Intentions were ever ſo good, won't have it in his Power to perform any thing that is now promis'd to lull you aſleep? for he muſt be anothers Servant, when he is your Maſter. Tho I don't well ſee what any one can promiſe himſelf from his good Nature, if he were the Maſter of it, who in his Declarations ſet out to prepare his way, and diſpoſe People towards him, publiſhes his Pardons with ſo many Exceptions, that almoſt every Man muſt think himſelf excluded from the benefit of them. Thoſe who bungle and are aukward in giving good Words and making fair Promiſes, when it is palpable they are intended only to cajole and amuſe, do leave but an ill Impreſſion of their Addreſs and Skill, and none at all of the ſoundneſs of their Purpoſes to perform what they would

would be underſtood to oblige themſelves to: or is it that Inſincerity, for all its Tricks and Grimaces, is not allow'd to ſpeak out and plain like Truth? The Magnanimous only know how to forgive, and to ſhew Pity; but the Fearful and the Bigotted are cruel, both by Nature and Principle. Can he ever return with real Kindneſs and Affections to a People, of whom he ſpreads abroad thoſe Complaints that they have ſo highly injur'd, and deſerted him? Won't all the Thanks for his coming back be ſent to *Verſailles* or *Loretto*, and nothing appear here, but the mark of dire Revenge, with a new Edition of the *Weſtern* Amneſty, to be publiſh'd in all the Counties of *England*, and another itinerant Executioner dreſs'd up in the ſhape of a Lord Chief Juſtice, be ſent down with a Power to hang and ranſom whom he pleaſes? And have we ſo ſoon forgot, that if the Covetouſneſs of that bloody Tool had not counterpois'd his Cruelty, ſcarce any had been left alive in thoſe populous Parts, of thoſe they thought fit to involve under the Names of Harbourers of Traitors, or dangerous to the Government? Will he after what hath happen'd to him, ever think himſelf ſafe in the hands of Proteſtant Subjects or Guards? But muſt not his Reſtorers remain here, and fill the Palace and City, upon pretence of his Security? Shall not the Ports and Keys of the Kingdom be deliver'd up to Foreigners? And is not the Navy of *England* to be navigated and commanded by the *French*? When I conſider the dreadful Conſequences of ſuch a Reſtoration, I don't know but it may be Charity to wiſh, that the whole Iſland ſhould rather be torn up by the Roots by an Earthquake, and be plung'd into the Sea, as the Point of *Port Royal* lately was, than that it ſhould ſtand upon its Baſis, to be ſo long the Theatre of *French* and *Iriſh* Tragedies, till every man has his Ears bor'd thro, and the indelible Characters of perpetual Slavery are ſtamp'd upon all that ſhall be permitted to ſurvive; Would this be call'd Living? Then ſo may Damnation too, which is but the unterminable Duration of a miſerable Being.

The diſmal Conſequences of K. J's Reſtoration

But, God be thank'd, I ſee no reaſon to apprehend that we are ſo near falling into this wretched Condition, which nothing but our own Cowardice, Treachery and Penuriouſneſs can ſubject us to. I don't pretend to extenuate our Dangers, or vainly to ſay, there is no ground for our fears. It muſt be acknowledg'd that God has been pleas'd in our days to raiſe up a Prince, whoſe formidable Power is become the Amazement, as well as the Terror of all *Europe*; a Prince, who to the intrinſick Strength he had in commanding over ſo large, ſo fertile, ſo populous, ſo induſtrious a Kingdom, hath added to it the Spoils of all his Neighbours, he hath ſeveral Armies to act in all the Extremities of his Dominions, with which, and a Chain of fortified Towns on his Frontiers, he hath, as it were, encompaſs'd himſelf with a Wall of Braſs; he hath a Treaſure ſcarce to be exhauſted, which does not only anſwer all the Occaſions at home, of Fleets, Armies, Fortifications, Magazines, Neceſſity and Magnificence, but has yet enough left to corrupt a great part of the Courts of *Chriſtendom*, and to influence even the Councils of Infidels; he does not ſatisfy himſelf to purchaſe now and then a ſingle Secret, but is able to buy whole ſets of Counſellors; nay he hath ſo much to offer, that Princes themſelves, and even Crown'd Heads are ſcarce proof againſt it.

Practices in K. J's Reign.

Can we not remember when Prorogations and Diſſolutions of Parliament were traffick'd for, Compoſitions made for Neutralities, the Price paid at *Whitehall*, and a Page of the back-Stairs erected into a Treaſurer, *quoad hoc*, for receiving this goodly ſecret Service-mony, which we now feel what a Diſſervice it has prov'd to the Publick. What we have ſeen done here, may we not eaſily imagine to be ſtill practis'd in other parts? Nay, as great as this Prince's Wealth is, his Ambition is yet more endleſs and unbounded, which neither declining Years, nor growing Infirmities can correct or moderate; he makes War for his Glory, and Peace he calls his Gift, and ſo he may Plenty too, with a much juſter Title; but that he keeps to himſelf, while all Mankind ſtarves about him, except thoſe only that live upon his Basket. *Europe*, *Africa*, and *America* can give Teſtimony to the vaſtneſs of his Deſigns, tho they have not equally proſper'd in all Places; and it is not long ſince that they began to diſcloſe themſelves too in *Aſia*, but the Climate was too warm for them. What have we ſeen in a long Reign of forty eight years, but ſome Princes and States unjuſtly attack'd, others menac'd, Popes crouching to redeem his Diſpleaſure, the Diſpenſers of Pardons forc'd to ask one; on the other ſide, Multitudes of his own Subjects for keeping a good Conſcience, firſt circumvented by ſtrains of Law, then driven out to ſeek Protection elſewhere, contrary to all Law, Faith and Prudence; Capital Cities bombarded and laid in Aſhes for every light Offence, and the Injur'd oblig'd at laſt to make Satisfaction; Towns ſurpriz'd

priz'd in times of Peace, without any Provocation given, and for no other reaſon but that of Conveniency; Princes ſtript of their Territories, and never more admitted to re-enter, becauſe they were ſuſpected not to incline to his Intereſts, and their Conduct was diſpleaſing; Provinces raviſh'd and diſmember'd upon Titles that had been abjur'd; and what before was but an Encroachment upon Neighbors, or devouring by Piece-meals, is now turn'd into an Attempt to ſwallow all *Europe*. But what then? muſt we give up our ſelves as a Prey, becauſe the mighty *Nimrod* purſues us? If we may ſay with *David*, that we are ſurrounded with Enemies on every ſide, that they gape upon us, and are ready to devour us, can't we take up his Confidence too, *and truſt that God will deliver us*, if we act like Men, *and look up to him for his Salvation?*

If all great Difficulties muſt be ſubmitted to, and Force and Violence, for being exorbitant, may not be reſiſted, then the moſt heroick of all Virtues, Fortitude, is but an empty Name, which is only converſant about things not eaſy to be attempted or ſurmounted; it does not indeed ſeek Contention, but where it is unreaſonably urg'd, it never declines it. In calm and quiet times it gives way to civil and domeſtick Concerns, and like ſome *Roman* Commanders, 'tis found at the Plow, or in ſome rural Occupation, till the Service of ones Country, or the Inſolence of an Enemy, rouzes the noble Paſſion, arms it with Anger and Diſdain; and then all Oppoſition is but Food to an aſpiring Flame, which it catches at, works it ſelf into, and reduces to nothing. Incredible at moſt have been the Succeſſes of thoſe, who have taken up a Reſolution never to yield; and ſome from a low Ebb of Fortune have recover'd themſelves, and loſt nothing, becauſe they were willing to hazard all.

Inſtances of Revolutions in States.

The *Gauls* and *Carthaginians* both over-run *Italy* in their Turns; yet they who prevail'd over an intire State, were baffled by a broken one. We once thought our ſelves Maſters of *France*, when a nick-nam'd King of *Bourges* canton'd in his own Country, recover'd *Paris*, and the whole Kingdom again. What ſhall we ſay, that there are ſtated bounds ſet to the Rage of Men, as well as to the ſwelling of the Waters; or that ſuch is the Power of Vigour and Conſtancy, that it runs an Enemy out of breath, and finds out a weak ſide, which only long grapling together could diſcover? The Antients knew not better how to expreſs ſuch a ſurprizing Change, than by ſaying their blind Goddeſs was either wearied or relented; but it becomes Chriſtians rather with Humility to own, that the moſt reduc'd State is the proper Seaſon for the Almighty to ariſe, and confound the arrogant Oppreſſor, and to make it appear that he is a preſent help in time of need. But tho I have not diſguis'd any thing of our Enemies Strength, becauſe I would not abate our Vigilance and preventing Care; yet I am far from thinking that our Caſe is any way deſperate or without reſource, if we do but make uſe of the means that are ſtill in our hands for our Preſervation.

In the days of *Elijah* when the *Iſraelites* were parch'd with drought, and a three years longing expectation of a change of Weather, and that the time of their refreſhing was come, the Directions the Prophet gave to his Servant, were, *Ariſe, go up now, and look towards the Sea*; which he often repeated, reporting at firſt that he ſaw nothing, but at laſt a Cloud began to appear, which ſoon overſpread the whole Face of Heaven. If we after ſome years Diſappointment would caſt our Eyes the ſame way, we ſhould ſee that which would be no ſmall Comfort to us at preſent, and what may be yet much more extenſive in its Conſequences: We may contemplate a Fleet deſign'd to have ſurpriz'd us before we were all join'd, and after that to have convoy'd over an Army of *French* and *Iriſh*, who were to have laid the Kingdom deſolate, in order to ſettle it. I ſay, we might have ſeen thoſe fallen into a Pit who have digg'd it for others, ſurpriz'd themſelves to find us better prepar'd to receive them than they expected, and that they could not now retire, till they were beaten, burnt and ſcatter'd ſo, as to run to Rocks and Shoals for ſhelter.

The Invaſion deſign'd from France.

But I ſhan't enlarge further upon this Subject, becauſe I don't doubt but it is (as it ought ever to be) freſh in every Man's memory; but it ſuffices me to obſerve that the *French* are not without their Miſtakes and Failings in Conduct, as alſo that Succeſs is not chain'd to all their Enterprizes. If the Proſpect at Land has not been hitherto altogether ſo pleaſant, yet I don't ſee what there is there to terrify or diſtract us. That the *French* ſhould now and then ſurprize a neighbouring Town at the very opening of the Year, is no ſuch ſtartling thing, if it be conſider'd, that they make uſe of a Seaſon, in which nothing hinders, but they may unite their whole

whole Force, and bring it all to bear upon one place; that they are under no neceſſity of management for any manner of Expence neceſſary to the War, but have their Magazines all filled for the Subſiſtence of any number of Men and Horſes, and are provided with Artillery at hand ſufficient to lay all flat before them; which makes them quicker in their Executions, than any Relief can be in aſſembling: And the Advantages being ſo great in gaining a little time, it ought to teach others not to favour an Enemies being early in the Field, whilſt they are perhaps deliberating about their Preparations. But that the *French* ſhould act defenſively all the reſt of the Campagn (as they have done of late ſince his Majeſty has been pleas'd to take upon him the Conduct of the War in *Flanders*) proves at leaſt that they rely more upon Policy and Stratagem, than the Courage of their Men as ſuperiour to ours; and therefore I know not why we ſhould ſink in our opinion of our ſelves.

The Action at Steenkirk.

But to make it further appear what little reaſon we have to diſtruſt the Goodneſs of our Troops, I am not afraid to inſtance in the late Action at *Steenkirk*, however others have drawn out of it a Subject for their boaſting: That we ſhould take a long march to attack the *French* in their Camp (which they know ſo well how to chuſe) is an Argument that we ſeek as much the Occaſions to give them Battel, as they induſtriouſly avoid them; that about twenty Battalions of ours ſhould be engag'd with above double the number of the Enemy; that they ſhould beat them from Poſt to Poſt, till they were Maſters of two of their Batteries, kill and wound almoſt as many of them as our whole number amounted to, ſhews that whenever the Advantage ſhall be equal on both ſides, or that the Diſadvantage is not intolerable, we may hope to give a good account of them. If the ſtraitneſs of the ground, or any other Obſtacles, which I don't pretend to be well enough vers'd in military matters to explain, kept their Foot from being ruin'd that day, they ought rather to aſcribe it to their good Fortune, than any of their Performances: It is no ſmall ſign how deſirous they are to have as few ſuch to oppoſe them as may be, ſince they made ſuch extravagant Offers to draw the wounded Priſoners into their Service; and us'd ſo many Artifices to detain thoſe that would not be tempted, which tho it was notoriouſly unjuſt, as being contrary to the Faith of their Cartel, yet one can't ſay it was imprudent, having made ſo late a trial what thoſe Men were able to do, who it is certain behav'd themſelves to the admiration of both Parties. A paſſionate love to ones Country will excuſe one, if I confine my ſelf more particularly to take notice of thoſe that went from hence, of whom I have heard that honourable Character, that for their Zeal and Fidelity to their Majeſties Service, for their Union among themſelves, without any of thoſe Diſtinctions that are kept up with ſuch violence in the reſt of the Kingdom; and for the gaiety and briskneſs with which they are led on to action, that rather increaſes in it, they are to be compar'd with any Body of Men that are in any part of the World, whoſe undauntedneſs of Courage prognoſticates, that they may one day ſully the Glory of him, that proudly takes to himſelf the name of *Invincible*.

Victorious Navy, and untainted Army.

Theſe then are the Foundations we have to depend upon under God, a victorious Navy and untainted Army, which has already done great things in *Ireland*, as an earneſt of what may be expected from them in other parts. It remains therefore on our part to give fitting Encouragement both to one and to the other: Thoſe whom their Circumſtances exempt from fighting for their Country, have yet a ſhare to bear in the defence of it, which is freely to contribute to maintain ſuch as are not ſparing of their Blood for their ſakes. As we are Iſlanders, I ſuppoſe it is not to be fear'd that we ſhall neglect the Sea; but I know not whether every one is as fully poſſeſs'd of the equal uſefulneſs of an Army to act offenſively by Land.

If there be any ſuch, I hope they will rectify their Miſtake, when they reflect we are too near the Continent, not to be concern'd in whatever is doing there, eſpecially on our oppoſite Coaſt. The Parliaments in King *Charles* the Second's Time, even when they were moſt ſuſpected to follow blindfold the Inclinations of the Court, were yet ſo ſenſible, of how fatal a Conſequence it would be to us here, if the *French* King ſhould be ſuffer'd to be Maſter of the *Spaniſh Netherlands*, that they never fail'd to lay hold on all Occaſions to make vehement Addreſſes on that account, with offers of their Lives and Fortunes to preſerve that Barrier. And can we now with indifference look upon the further progreſs that is made there, when nothing is left to put any ſtop to their being poſſeſs'd of the poor Remainder, but that which is indeed the beſt of Ramparts, the Bodies of Men? And if any Conſiderations ſhould make us lay open that Bulwark by withdrawing our joint Aſſiſtance, what is more viſible than that not only *Flanders* would be immediately over-run, but

Conſequences of the French *being Maſters of* Flanders.

Holland

Holland too would be reduc'd to the laſt Extremity, if they could not ſave themſelves by ſubmitting to any Conditions that ſhould be impos'd. In all which Caſes what would our cautious Maxims avail us, of depending upon our Situation, either to act defenſively, or to manage the War ſeparately? I fear we ſhould make a wrong Calculation, if we think our ſelves ſtronger than the *French* at Sea without our conjunction with the *Dutch*, as it is certain theſe can't carry on the War at Land without our help.

If we firſt renounce the Terms of the Alliance, we teach others to follow the Example, and to take no care but for themſelves: If by this means the *Dutch* Squadron ſhould ſtay at home, I would fain know, whether we do not then loſe more Ships than were burnt of the *French* laſt Summer? If we have been ſo provident as to ſecure a Reſerve to ſupply their places in ſome meaſure, have we found Seamen ſo plentiful as to man many more Ships than thoſe we have ſet out hitherto? Or does any body doubt, but the *French* have all along been building as faſt as we; and who can tell but they have Reſources beſides, which we have not? There are Princes very powerful at Sea who have not yet taken party in this War, and Ships of all Rates may be hir'd compleatly equip'd; as ſometimes Land Forces are. Should we once bring our ſelves to ſuch a confeſſion of our weakneſs, as to play only a defenſive Game, I am apt to believe we ſhall find our ſelves miſtaken even in the managing part, and be no ſuch ſavers as we make an account for. If a ſtrong Diverſion be not made abroad, we ſhall be ſo much the more liable to be inſulted at home, which a long extended open Coaſt does ſufficiently expoſe us to, together with an inviting Party among our ſelves, who daily ſhew with Impunity, not only a diſpoſition but an impatience to join with our Enemies; and this will put us under a neceſſity of keeping an Army in the Bowels of our Country, who can never be ſuppos'd to be ſo well diſciplin'd: but it will be more for the general Intereſt, and particularly for that of landed Men, whatever the diſadvantage may be pretended in carrying out Mony to pay them abroad, rather to leave them there ſtill to forage in places where long uſage has made it more tolerable.

A Deſcent, no doubt, ſuch as his Majeſty has been pleas'd to declare he intends, would above all things revive the Spirits of this drooping Country, and by God's aſſiſtance raiſe its Reputation to the pitch it has been at in former Ages; but then it muſt not be undertaken by halves, nor with a neglect of what Advantages a vigilant Enemy may draw from it, while ſuch a Deſign is putting in execution, leſt that might be to endeavour only to wound him in a Limb, in a remote Province, and receive our ſelves at the ſame time a mortal Wound in a vital Part; for ſuch I muſt look upon *Flanders* and *Holland* to be, which in the poſture of this War, ſtand as the Outworks to *England:* and thoſe being once loſt, I queſtion whether there be any other Choice left, but to fall by Storm or Surrender. It may be ill curing by Revulſion, if care be not taken to prevent the Parties falling into a greater weakneſs by the Remedy. *Scipio* did not carry the War into *Africk*, till *Marcellus* in many Trials had given an Aſſurance they could make a ſtand in *Italy*. Till we can have ſome ſatisfaction of the ſame nature, ought we not rather to apply our Vigour, where we may at once both pary and thruſt? *A Deſcent in* France *intended.*

Suppoſing a Deſcent not yet practicable with a Defence, we muſt look upon *Flanders* as the weak ſide of *France*; on this account at leaſt, that it is the only part where it can be come at at preſent: and it is a ſign they have that opinion of it themſelves, by their covering it in that manner with Fortifications. Where any frontier Town hath an inacceſſible ſide, by reaſon of a Moraſs, ſteep Rock, or the like, it requires little care or expence to ſecure it as far as that goes: I don't ſay this is the ſituation of the other Parts of *France*, but they have an advantage almoſt equivalent to it, which is, they find themſelves ſafe from any very vigorous Attack on their Eaſt ſide, till a Peace with the Turks will allow more and better Troops to be drawn down that way. In the mean time it were to be wiſh'd, not only that care ſhould be taken to keep up our Numbers compleat (which by the by I think ought not to be left ſo much to chance and uncertainty, as that our Defence ſhould rely wholly on the Scum and Tatters of the Town and Country, which are ordinarily your Volunteer Recruits) but that we ſhould rather ſtrain to augment than diminiſh them. If the Enemy increaſes in Strength every Year, and we leſſen ours, or keep at a ſtand, we may quickly ſee an end of the War, but it will be with our ruin.

I am aware, that the main Objection againſt all that is here touch'd on remains yet to be ſpoken to, which is in ſhort a want of Mony, and that nothing can act beyond

its Power: I allow the Maxim is true, but I hope the Application is wrong in the preſent Caſe. To be engag'd in a War, and not to feel it, is a vain Imagination; but if the War we are enter'd into be unavoidable, if it is for our All, and that Mony is the Sinews of it, there is no doubt but it muſt be had if it can be found: It is better paid to keep Danger at a diſtance, than to redeem a military Execution; and the one or the other is like to be our Lot. By our way of living, and by the courſe of our Trade, one would not think that we are ſo far exhauſted as ſome People ſeem to complain, we have yet wherewithal for Superfluities; no Price deters us from gratifying our Vanity and Luxury, and while that laſts, all cloſe-handedneſs in a common Concern, will look more like a grudging of the Publick, than any real Neceſſity. I don't ſay but ſome Branches may be as far charg'd as they will reaſonably bear; but are there not others that have not yet been try'd? We ſee the Induſtry of our Enemies and of our Friends too, who leave no ſtone unturn'd, but daily ſet on foot new Projects and Propoſals to provide for the growing Occaſions; if we can't invent, I wiſh we could imitate: The abuſe of theſe things lies only in the continuance of them, beyond the Neceſſity that firſt enforces them, which no Conſtitution of Government can ſo well remedy as we; but otherwiſe all Methods taken up by Publick Authority in the Caſe of Self-preſervation, are juſt and honeſt. *Skin for skin, and all that a Man has will he give for his Life*; is not more a Deſcription of the practice of Mankind, than it is an Advice what ought to be done in ſuch Emergences. He cannot be accounted an *Engliſh* man who does not value this Cauſe at the ſame rate, in which not only his own being is concern'd, but the being of the whole *Engliſh* Nation down to all Poſterity. Is not this enough to juſtify either *French*, *Dutch*, or *Muſcovitiſh* ways if you will, when others fail, to raiſe Mony in proportion to the want of it?

The Neceſſity of the preſent War.

I have wonder'd to ſee ſome Men buſy themſelves in writing ſtudied Pamphlets againſt this or that way of raiſing Mony, without being pleas'd to extend their Care a little further, to ſhew us at the ſame time how the Publick ſhould be otherwiſe ſupply'd. I know not whether ſuch Authors may not be ſomething of the Humour of the Mob, that will gut or pull down a Fabrick for nothing, when they won't lay a Brick or a Plank towards repairing it, without being paid for it: But do they think every thing is to be rejected in which they can remark an Inconvenience? Prudential Deliberations have comparative good and evil for their Object, and that is beſt which has the leaſt of Ill in it. Now I would gladly be reſolv'd by theſe nice examiners of Matters, which is more eligible, to run a more than probable Riſque of loſing all one has, or to pay a Tenth, an Eighth, or ſome ſuch ratable part out of ones Expences by a General Exciſe?

Ways of raiſing of Mony to be ſtudied.

I would not be miſunderſtood, I am not pleading for an Exciſe, nor do I know any body that would, but upon a Suppoſition that it is the only way left for our Safety; I know theſe are Caſes reſerv'd to a Parliament, which no body ought therefore to meddle with, either to write for or againſt, it belongs only to them to conſider in what meaſure they will ſupply their Majeſties, and they are the ſole Judges by what Method it is fit to be done; ſo that it is as much a preſumption for People without doors to prevent them, as it would be to preſcribe to them. But otherwiſe if this were a Point proper to be argu'd; I muſt confeſs nothing would incline me more to think well of a General Exciſe, than ſome of the Objections that I find made againſt it. When I ſee it repreſented ſometimes as a Fund that would make Parliaments uſeleſs; and at other times, that it is able to furniſh, beſides what is neceſſary for all extraordinary Occaſions, Mony enough to bribe both Houſes to conſent to keep it up: I can fancy it no leſs than a Treaſure equal to the Revenue of *France*, having hitherto believ'd that nothing but that was ſtrong enough to work ſuch wonderful Effects; and I am tempted to wiſh that the Author was known, and that his Judgment was ſuch as might be ſafely rely'd upon: I ſhould then rejoice that the Nation had ſo rich a Mine yet unopen'd, reſerv'd like a Sacred Treaſure (as they ſay there was at *Rome*) not to be touch'd but upon an Invaſion of the *Gauls*, that is, the *French*; not doubting but let the Sum be ever ſo great, a Salvo would be found againſt all the Romantick Notions of the Uſes it would be put to. I am ſatisfy'd that it ought to be the leaſt of our Fears, that a Parliament ſhould ever be brought to give once for all: We have a notable Inſtance to the contrary in one of the late Reigns; nor do I conceive how it can be imagin'd, that an Exciſe like the *Trojan Horſe* ſhould carry a Houſe of Commons in its Belly, ſo as there needs only but to open the Machine, and out come three or four hundred Members (at leaſt, of what ſize or complexion you would have them. Does any body think in good earneſt,

No Exciſe pleaded for.

neſt, that either the Freeholders or Burgers of *England* are all ſuch Cullies, or the Exciſe-men generally ſuch Darlings of the People, that for their ſakes they ſhould irreſiſtibly chuſe thoſe for their Repreſentatives, who will not only perpetuate what is ſuppos'd to be extremely burdenſom, but endanger their liberty of Choice for the future? Beſides, the Reflection is very unjuſt, as well as indecent upon the King, to load him with the ſuſpicion of any ſuch Deſign, who having voluntarily given up a conſiderable Revenue, which was for ever fix'd in the Crown, and that ſomewhat unſeaſonably too, if one may ſay ſo, for the eaſe of his People, ought to have remov'd all Jealouſy, as if he were capable of graſping at more, or detaining any thing longer than it may be ſubſervient to our Security: but ſuch Arguments as theſe ſerve only to introduce a clouted Phantom, contriv'd to ſcare People with, which no body ſure will break his Neck out of a Window to avoid. Therefore I ſhall purſue this Matter no further, remembring the Bounds within which it is circumſcrib'd, and acquieſcing in the Wiſdom of thoſe who are now aſſembled to deliberate upon the moſt important Points that were ever under the Conſideration of an *Engliſh* Parliament; beſeeching God to direct and invigorate their Counſels, that maturely weighing the Difficulties we labour under, both from within and without, they may proportion their Advices and Aſſiſtances, according to the urgency of Affairs, ſo that Generations to come may riſe up and bleſs them for continuing down to them the civil and religious Liberties which we now enjoy.

Some Conſiderations about the moſt proper way of Raiſing Mony in the preſent Conjuncture.

Printed about the Year 1692.

Written by John Hamden *Eſq;*

THERE has happen'd nothing more memorable in this Age, nor in which the Providence of God has been more ſignally remarkable, than the late Revolution of the Government in theſe Kingdoms. The Changes in *Naples* and *Portugal* were not more ſurprizing, than what our Eyes have ſeen in our own native Country: Nor were the Oppreſſions under which we labour'd, and the Ruin which threatned us, leſs dreadful than that which cauſed the Revolt of thoſe Kingdoms from thoſe who abuſed the Truſt of Government to tyrannize over them. Our Laws were trampled under foot, and upon the matter aboliſh'd, to ſet up Will and Pleaſure in their room, under the cant and pretence of Diſpenſing Power. Our Conſtitution was overthrown by the trick of new Charters; and by cloſeting and corrupting Members of Parliament, men were requir'd, under pain of the higheſt diſpleaſure, to conſent and concur to the ſacrificing their Religion, and the Liberty of their Country. The worthieſt, honeſteſt and braveſt Men in *England* had been barbarouſly murder'd; and to aggravate the Injuſtice which was done them, all had been varniſh'd over with a Colour of Law, and the Formality of Trials, not unlike the Caſe of *Naboth* and *Ahab*. Thoſe whom the Law had declar'd Traitors, were, in defiance of the National Authority, introduc'd into our Councils, and the Conduct of Affairs put into their hands.

Oppreſſions under the late Reign.

Our Univerſities were invaded by open Force; thoſe who were in the lawful poſſeſſion of the Government of Colleges turn'd out, and Papiſts ſent thither in their room; and if that Attempt had throughly proſper'd, the Churches and Pulpits would ſoon have follow'd.

It

Popery and arbitrary Power ſet up.

It were vain to go about to enumerate Particulars. In a word, the Nation was undone. All was loſt. The Judges were ſuborn'd or threaten'd to declare, that the King was Maſter of all the Laws; and the Biſhops were requir'd to publiſh this new-created Prerogative in all the Churches of *England*, by the Mouths of the Clergy; which when ſome of them refus'd to do, repreſenting to the King, with the utmoſt Submiſſion and Modeſty, that neither Conſcience nor Juſtice permitted them to do what he deſir'd, they were proſecuted at Law, as if they had been guilty of ſome great Crime. Letters were written and intercepted, by which it appear'd evidently, that the Change of our Religion was determin'd, and that Popery was to be brought in with all ſpeed, leſt the Opportunity ſhould be loſt. And for the better compaſſing this pious Deſign, our Civil and Parliamentary Rights were to be taken away, *in ordine ad ſpirituale.* And when the Nation, and thoſe who were concern'd for it, being terrify'd by the greatneſs of the Danger, would have compounded ſo far, as to have taken away the penal Laws againſt Papiſts, and ſo have ſet them upon a level with other *Engliſh* Subjects, provided the Teſt might have been continu'd, and the Government ſecur'd from falling into the hands of that Faction, all ſuch Offers were deſpis'd and rejected with ſcorn: nor would any thing content the Bigotry and Arbitrary Humour of thoſe who were then in the Saddle, leſs than the total enſlaving of the Nation, and the re-eſtabliſhment of that idolatrous Religion, from which our Anceſtors had freed themſelves with ſo much Bravery and Generoſity, in the beginning of the laſt Century.

This deplorable ſtate of things awaken'd the Minds of thoſe of our Gentry and Nobility, who had any thing remaining in them of that *Engliſh* Love of Liberty and Impatience of Slavery, which has ſo often reſcu'd this Nation from the brink of Ruin. They ſaw to what the Neceſſity of Self-defence oblig'd them, and reſolv'd to ſhake off the Yoke they could not bear. And in order to this, many of them (as we all know) apply'd themſelves to ſome principal Members of the States General of the United Provinces, and to the Prince of *Orange* (their Stat-holder and Captain-General) repreſenting to them how nearly they were concern'd in what then paſs'd in *England*, which was but one branch of the Deſign driven on by the *French* King, and his Adherents, for enſlaving all *Europe*, and rooting out what they call'd the Northern Hereſy, both Name and Thing. They ſhew'd them, that if they ſuffer'd the Conſpiracy of our common Enemies to go on any further, they would infallibly be involv'd in our Ruin, and that very ſpeedily; and muſt neceſſarily fall under the *French* Yoke, of which they had felt the weight in the years 1672, and 1673, and had lately heard more of it from thoſe great Numbers of perſecuted *French* Proteſtants who had taken refuge in their Country. They intimated how glorious it would be for them to become the Sanctuary of oppreſs'd Innocence.

Application made to the then P. of Orange.

And laſtly, they put them in mind of what had heretofore been done for their Republick by the *Engliſh* Nation, when they had newly caſt off the *Spaniſh* Tyranny, and were forc'd to implore the Succour of their Neighbours againſt a Power which then carry'd on the ſame Deſigns, and much by the ſame Methods, which we have ſeen copy'd from them by the *French* in our time. They convinc'd them that all Reaſons of Gratitude, Humanity, Policy and Chriſtianity concur'd to incline them to comply with their Requeſt, in putting to their helping hand for the oppoſing a Bank to that Torrent which otherwiſe would overflow all *Chriſtendom.* Neither was this Buſineſs of a nature to admit any Delay. Our Patriots made them ſee, and prov'd to them by Reaſons unanſwerable (which are now obvious to every one's Obſervation) that if they ſlip'd the Opportunity then in their hands, by the *French* King's drawing his Forces to the *Upper Rhine*, to begin the War by the Siege of *Philipsburg* (which was occaſion'd by the falſe Intelligence he had receiv'd from his Ambaſſador and Penſioners in our Court, who being intoxicated with ſome late Succeſſes, deſpis'd the People at a great rate, and thought it below them to get Information of thoſe they call'd the Male-Contents) I ſay, if they let paſs that occaſion of helping us, it would, in all probability, be too late to attempt any thing hereafter; the two Kings hoping by their joint Forces and Counſels in a ſhort time, to put both the *Dutch* and *Engliſh* out of a Capacity of diſputing their Pleaſure.

Poſture of Affairs then.

All theſe Arguments, and the Inſtances of our worthy Country-men, prevail'd to that degree, that the *Dutch* reſolv'd upon lending us their beſt Troops, and actually ſent them over, under the Conduct of the Prince of *Orange*, who found the Nation as well diſpos'd to receive him as could be expected from a People who had ſuffer'd ſo much already, and look'd for worſe every day than other.

At

At the time of the Prince's landing, ſeveral great Lords and ſuch Gentlemen who had Courage enough to expoſe their Lives and Eſtates for the Deliverance of their Country, appear'd in Arms, as had been concerted; and what the Succeſs of this heroick Undertaking was we all know; and every good Man ſtill bleſſes God for his Goodneſs to this Nation, in proſpering and rendring effectual ſo juſt and pious an Enterprize. And altho the *Dutch* found their Account, as well as we, in the Succeſs of this glorious Action; and beſides, the *Engliſh* Parliament recompens'd them fully for the Charge they had been at in this Expedition, paying them 600000 *l.* which was the Sum of Mony they demanded; yet there is no true *Engliſhman*, nor vertuous Man amongſt us, who will not think himſelf bound, upon all occaſions, to acknowledg the unſpeakable Obligation we have to that wiſe and generous Republick, for aſſiſting us in the time of our Diſtreſs, as we had formerly done by them, when they were in a like Extremity. Not that the *Dutch* can pretend (what ſome Paraſites among our ſelves have fondly imagin'd and printed) to have acquir'd by their Arms a Right of Conqueſt over us, no more than we had done over them an hundred Years ago, when we ſent them Aſſiſtance againſt the *Spaniard*, or Monſieur *de Schomberg* over the *Portugueſe*, when he led an Army for their Deliverance. But as then, ſo now, a People oppreſs'd and unjuſtly inſulted over, by thoſe who ſhould protect them and ſtudy their Happineſs, having firſt try'd all fair means, and us'd all ſorts of Submiſſions to touch the Hearts, and change the Minds of their cruel Oppreſſors, and at length finding all ſuch means ineffectual, do invoke the Aſſiſtance of their Neighbours, who finding it their Intereſt, upon many Accounts, to prevent the Ruin of thoſe that call upon them for Aid, and withal commiſerating their ſad and deſperate Condition, do aſſiſt them with their Armies and Fleets, to prevent the Deſtruction coming upon them; which Endeavours, in conjunction with thoſe of the oppreſs'd Nation, God having crown'd with the deſir'd Succeſs, it may well excite in the Hearts of thoſe who have been thus help'd, a very high Degree of Gratitude, and may be a Foundation of laſting Union and Friendſhip between the two Nations, but can by no means give either of them any right of Conqueſt or Pre-eminence of Authority over the other, no more than if a Man's Houſe were on fire, his Neighbour would acquire any right of Propriety in it by helping to quench it. This I ſhould not have mention'd, but for the Petulancy of ſome Flatterers, who would make us believe we have brought our ſelves under a more abſolute Condition of Slavery, by taking up Arms, than we were in before; which was ſo far from the Thoughts of our Anceſtors in the like caſe, that neither Queen *Elizabeth*, the Earl of *Leiceſter*, nor any other Perſon who had a hand in the Deliverance of the *Dutch* from the Tyranny of the *Spaniards*, ever dreamt of having gotten any Title of Power over them by what they had done for them, nor ever demanded or exercis'd any other than what was intruſted in their hands by the *Dutch* themſelves, as long as they thought it neceſſary for their own Good.

The Dutch *recompenſed for their Charges.*

And our preſent King is ſo far from having any thoughts of this kind, that we know from the learned Prelate who preach'd his Coronation-Sermon, that there is nothing he deteſts more than the Imputation or Suſpicion of a Conqueſt. Which is an evident Proof, not only of his Majeſty's good Intentions to this Kingdom, but likewiſe of his great Wiſdom, and the Soundneſs of his Judgment; ſince if we were conquer'd, we ſhould fall under the *Dutch* Republick, having been conquer'd by their Men and Mony, and ſo our Government would no longer be a Monarchy, but we ſhould be a Province, or part of that Commonwealth.

The King abhors the thoughts of Conqueſt.

But to return where I left off; things being brought about in this manner, as we all know, and King *James* being run away, the Nation, tho juſtly incens'd againſt him, did not think fit to change the antient Form of Government, but ſet the Crown upon the Head of the preſent King and Queen (with ſuch Limitations as they thought neceſſary) being willing for the firſt Part (according to the Cuſtom of our Anceſtors, both in the *Saxon* times and ſince, upon the Depoſition of Kings for Miſgovernment) to take the next in Blood, if there was no reaſonable Objection; and at the ſame time, to ſhew their Thankfulneſs to the then Prince of *Orange*, for the ſhare he had in our Deliverance, by heading our Patriots, and leading the *Dutch* Army, they aſſociated him in the Throne with the Queen his Wife, as may be ſeen in the Act which conſtitutes and directs the Adminiſtration of this preſent Government. This was thought ſafer and better than any new Scheme of Government, or than a Regency, which yet was debated, and put to the queſtion in both Houſes: And preſently after, a War was declar'd againſt *France*, and ſuch a Confederacy entred

Narrative of the Steps of the Revolution and Settlement.

entred into by this Nation, both with the *Dutch*, and ſeveral other Princes and States, as has already produc'd very good effects, and it may be hop'd (with God's Bleſſing and good Management) will be effectual to humble the haughty *French* Monarch, and to ſettle us once again upon the Foundations of Religion and Liberty, not eaſily to be ſhaken.

The Government and Confederacy to be maintain'd.

It will be readily granted by all wiſe and well-intentionated Perſons, that the Safety and higheſt Intereſt of the Nation does abſolutely require the Support of this preſent Government, and the maintaining of the Confederacy into which we are entred. If any Man doubts this, let him recal to Mind the miſerable Condition in which we were four years ago, when we were bidding adieu to all that was dear to us, our Religion, our Laws and our Liberties, which the Popiſh Faction had ſwallow'd up in Imagination, and would have done ſo effectually, if God had not appear'd for us in a miraculous manner. Let ſuch a Man lay his hand upon his Heart, and conſider how the *French* King has treated his Fellow-Proteſtants, contrary to the Faith of all Promiſes, Oaths and Edicts made by himſelf and his Anceſtors, ſurpaſſing the Barbarity both of antient and latter Perſecutors. Let him remember the ſtrict union of Intereſt and Counſels that was between that King and King *James*, who both drove on the ſame Deſign of exterminating Hereticks, and rooting the Remainders of Liberty out of the World, inſomuch that we ſee the *French* King has made King *James*'s Cauſe his own; and no body doubts, or can doubt, but if he ſhould ever recover the Poſſeſſion of theſe Kingdoms, it would be only to hold them in quality of the *French* King's Lieutenant, to whoſe Ambition and Bigotry we muſt all be ſacrific'd. I ſay, let any Man who makes it a Queſtion, whether it be neceſſary to ſupport this Government, and enable it to go on with the Confederacy, revolve theſe things in his Mind, and at the ſame time figure to himſelf, in caſe our Government, for want of ſupply, ſhould not be able to carry on the War, and ſo we ſhould again be over-run, and reduc'd under the Yoke of our Enemies, with what redoubl'd Rage and Fury they would return upon us, under the Colour of recovering their Right, and puniſhing Rebellion; and how little Appearance there would be, after this, of any new opportunity of Deliverance, or of a poſſibility to hold up the Proteſtant Religion in any part of the World, after the Deſtruction of its Profeſſors in *England* and *Holland*, which I join to each other, becauſe we all know their Intereſts are now inſeparable, and they muſt ſtand and fall together. And if after all this, any one can be backward in doing his utmoſt to make good what we have done in this Revolution, or be willing we ſhould fall back into that Gulph of Miſery and Confuſion from whence we are ſo lately eſcap'd (which will be the infallible effect of not ſupporting this Government and Confederacy) I confeſs I have no more to ſay to ſuch a Man.

But to come to the main deſign of this Diſcourſe; It is certainly impoſſible, in the preſent ſtate of things, that this Government ſhould ſubſiſt, and much leſs be able to bear its Part in the Alliance againſt our common Enemies, unleſs there be great Sums of Mony given. Thoſe are the Sinews of War, and all other Buſineſs. Our dear-bought Experience has taught us what vaſt Taxes are abſolutely neceſſary to maintain thoſe Armies and Fleets which are requiſite for our Security, and for the defence of our religious and civil Rights: and provided we attain thoſe ends, it will not be thought, at long-run, we have bought them too dear. In this Caſe we may well ſay, *Dimidium plus toto*. A wiſe and a good Man will rather chuſe (if it came to that paſs) to enjoy one half of his Eſtate, with the Liberty of his Conſcience and the Preſervation of his Birth-right, than to poſſeſs a double or treble proportion of Riches, whilſt his Mind muſt be enſlav'd to the Superſtition of knaviſh and intereſted Prieſts, his innocent Friends and Country-men ſacrific'd to the Idol of arbitrary Power (as we have lately ſeen it practis'd) and the Title that is left him to his own Poſſeſſion and Liberty, only precarious and during Pleaſure.

Neceſſity of raiſing Mony.

Example of the Dutch *and* Suiſs *therein.*

Our good Neighbours and Allies the *Dutch*, do not think much of the Charge they were at in freeing themſelves from the Oppreſſion of the *Spaniards*, nor of that they have been forc'd to undergo for the maintaining their Country and Liberty againſt the Inſults of the *French* King, tho they have been forc'd ſome years to pay half their Revenue, and ſometimes all, and more than all, for carrying on of the War. The *Suiſſes* do not regret the hazardous and chargeable effort which they made to deliver themſelves from the intolerable Tyranny of the Houſe of *Auſtria*, nor the infinite Numbers of Men, and the Mony that has been employ'd ſince that time to make good what was then done: Provided that Warlike Nation always prefer the Love of Liberty, deriv'd to them from their Anceſtors, before the Love of

Mony

Mony (with which their Enemies endeavour to corrupt them) they have nothing to fear. Nay, in *France* it ſelf, which is the Center of Tyranny, and where even Mens Minds are enſlaved and captivated by the Artifice of Prieſts and ſcribling Court-Sycophants, and the very Love and Deſire of Liberty is loſt (which aſſuredly is the utmoſt of all Misfortunes) there are yet ſome Perſons (as we ſee by ſeveral Writings) who aſpire after a Deliverance, and would willingly hazard their Lives, and part with what they have moſt precious, to vindicate their Country from the barbarous and inhumane Tyranny under which it groans; and if they were happy enough to compaſs the Execution of ſo noble and vertuous a Deſign, they would think no Charge nor no Expence too great to maintain thoſe Rights and Privileges which have been heretofore enjoy'd by their Anceſtors, and of which they have been ſo unjuſtly rob'd, without any proſpect of Redreſs, ever ſince their Kings grew ſtrong enough to govern them, without aſſembling the States of the Country. And ſince that time they have made a ſhift, by the aſſiſtance of Prieſts and mercenary Upſtarts, rais'd by themſelves to favour their arbitrary Purpoſes, to bring that Nation to a paſs, which has given occaſion to ſome, who have long voyag'd in the Eaſtern Parts of the World, to affirm, that there is more Tyranny effectually practis'd in *France* in one year, than in all thoſe Parts in twenty; the Princes of thoſe Countries not having learn'd to refine in thoſe Diabolical Politicks to that degree, which the *French* have arriv'd at.

France *the Center of Tyranny.*

To this purpoſe I cannot but mention what was ſaid to me at *Paris* ten years ago, by the great Hiſtorian Monſieur *de Mezeray*, whom I knew very particularly, and who was a Man of great Worth and Virtue, and therefore very ill us'd by the Miniſtry of *France*. Diſcourſing with him about the difference of the Government in *France* and *England*, he broke out into this Expreſſion; *O fortunatos nimiùm, bona ſi ſua norint, Angligenas! We had once* (ſaid he) *in* France *the ſame Happineſs, and the ſame Privileges which you have. Our Laws were made by Repreſentatives of our own chuſing; our Mony was not taken from us, but by our own Conſent; our Kings were ſubject to the Rules of Law and Reaſon (with many other things of that kind, which he added) but now alas! we are miſerable, and all is loſt. Think nothing, Sir, too dear to maintain theſe precious Advantages; and if ever there be occaſion, venture your Life, your Eſtate, and all you have, rather than ſubmit to the miſerable Condition to which you ſee us reduc'd.* Theſe words, with what I actually ſaw of the Miſery of that Country, made an Impreſſion in me which nothing can efface.

The Author's Adventure in France.

Mezeray's *Opinion of the* Engliſh *Government.*

The Queſtion therefore with all ſober Men and ſincere Proteſtants, will not be, Whether we ſhall maintain our Liberty, by ſupporting this Government, and enabling it to carry on the War? nor conſequently, Whether we ſhall raiſe Sums of Mony proportionable to that end? but only what will be the beſt Manner and Method of raiſing Mony, ſo as may be moſt for the Eaſe of the Subject, and above all, for the upholding our Conſtitution, and ſecuring thoſe ends for which we took up Arms? And that was not any perſonal regard whatſoever, but the Recovery and Security of our Rights and Liberties, which had been ſo unjuſtly invaded. This is the thing we muſt always keep in our Eye, and ſteer our whole Courſe by this Poleſtar; otherwiſe the Hazards we have hitherto expos'd our ſelves to, and the Succeſs with which God has bleſs'd us, will little avail us, whilſt by flying one Extreme we run into another; or, to uſe the old Proverb, by avoiding *Scylla* fall into *Charybdis*.

The way which has been moſt diſcours'd of by ſome who pretend a great Zeal for the preſent Government, and which ſeems to be moſt agreeable to ſome People, is to lay a Home-Exciſe upon things eatable and drinkable, and ſeveral other Merchandizes which are ſold in the Market: This is the way us'd in *Holland*, and the like was practis'd in *England* in the time of our Civil Wars. But becauſe I cannot approve this manner of Taxing at this time in this Kingdom, as thinking it of the utmoſt hazard in this beginning of our Settlement, and apparently deſtructive to the ends of it, I ſhall ſet down my Reaſons (with as much plainneſs as I can) together with ſome that were mention'd the laſt Seſſion of Parliament by ſome worthy Members of the Houſe of Commons, that ſo if other Men be convinc'd by them, I may have the Satisfaction of reflecting, that I have been uſeful in ſome degree in ſuggeſting thoſe things, which may contribute to the maintaining and continuing the Liberty of my Conntry; which as it is dear to me above all things in the World, ſo in my humble Opinion, it is very much concern'd in this Point.

General Exciſe of dangerous Conſequence.

My firſt two Conſiderations in reference to ſuch an Exciſe, are, That if the Parliament ſhould grant it, they neither know what they grant, nor can ever hope to ſee an end of ſuch a Grant as that is. To make this out, I ſhall give a ſhort Hiſtorical Account of the Exciſe now in being, that ſo we may judg of *Hercules* by his foot; which, I think, will afford us ſuch meaſures as cannot eaſily deceive us.

Againſt the Liberty of the Subject.

Our Anceſtors, whoſe chief Care it was to maintain thoſe Rights and Privileges which diſtinguiſh'd them ſo advantageouſly from all the other People of theſe Weſtern Parts of *Europe*, and who deliver'd thoſe Privileges to us as our beſt Inheritance, did conſtantly avoid this ſort of Tax, knowing its Danger, and abhorring the ſervile Look of *Bureaux* in their Market-places, and miſerable Fellows to come into their Houſes like Searchers, as if they had hid ſome Criminal, or conceal'd ſome Arms or Papers to the prejudice of the Government. It could not enter into their Heads that a Leg of Mutton ought to be ſuſpected for Treaſon, or a Loin of Beef, which was thought worthy to be knighted by ſome of our Kings, ſhould be accus'd of conſpiring againſt the State.

This Example of our Anceſtors, with the good Succeſs it has had, I ſhould think, ought to weigh a great deal with us in a matter of this Importance; to which if we add the Condition of the *French*, and others of our Neighbours, who are loaded with an infinite number of Entries, Impoſts, in a word, Exciſes of all ſorts (which at firſt were contriv'd and impos'd upon ſpecious Pretences of great neceſſity of the State, but never were, nor will be let go by thoſe who have found the ſweetneſs of them) this will add great force to our Argument. But we muſt come nearer the Point, and ſhew how lately, and in what manner, Exciſes have been rais'd in *England*, and what uſe has been made of them, together with the Artifices by which they have been procur'd.

Exciſe when firſt rais'd in England.

The firſt Exciſe rais'd in *England*, was in the time of our Civil Troubles and Diſorders: Neither did thoſe who rais'd it adventure upon this way, till they had try'd all others to ſupply the Neceſſities into which they had brought themſelves. They had ſeiz'd into their Hands the Revenues both of the Crown and Church, and expos'd them to Sale; Mens Eſtates had been ſequeſtred, and their Property invaded and deſtroy'd, under the name of Delinquents; and when the Mony was ſpent which had been rais'd by theſe oppreſſive methods, they then ſet up this way of Exciſe. But that had not been paid neither at that time, but for the Army which was then kept up, as appear'd in the Sedition of the Butchers and others upon that occaſion.

Nor did they who impos'd the Exciſe in thoſe days, omit any thing that might help to ſweeten ſo bitter a Potion, and perſuade the People to ſwallow it with the leſs Reluctancy. They urg'd the great neceſſity there was of it at that time, which was at leaſt equal for thoſe who then rais'd it, with any that can be now pretended to carry on this War. To make it paſs the eaſier, they begun it in the moſt modeſt way they could deviſe; if I miſtake not, it was at firſt but for a month or two, or three months at moſt: They were ſenſible how averſe the Nation was to this way of Taxing, and therefore they durſt not, in their firſt Attempt, adventure farther. When the neceſſity of their Affairs, and the Straits in which they found themſelves, forc'd them to go on with the Exciſe, yet they would perſuade the People, it ſhould laſt but a little while, and be preſently over; but for all that pretence, we know too well it has not ceas'd to this very day. When the Serpent gets his Head into a Hole, 'tis no hard matter for him to draw his whole Body after it. Wiſe Men, like good Phyſicians, muſt oppoſe the beginnings of Evils; 'tis eaſy to prevent Miſchiefs, which it is not eaſy, nor poſſible, to remedy. The Ability of Politicians is known by their foreſeeing and obviating Inconveniences, too ſtrong to be remov'd when they are once eſtabliſhed.

At firſt for twoor three months only.

Turpiùs ejicitur quàm non admittitur hoſpes.

Its Progreſs after the Reſtoration.

Soon after the Reſtoration of K. *Charles* II. the Houſe of Commons expreſs'd a Deſire, as their Predeceſſors had often done, to take away the Court of Wards, and they had long Deliberations how to ſettle upon the Crown a Recompence for it. Many ways were propos'd (as is uſual in ſuch Caſes) but at laſt it was thought beſt to lay it on Land; and they agreed the Sum to be 100000 *l. per annum*, and appointed a Committee to ſettle an equal rate upon every County towards it. This would have procur'd another great Advantage to the Nation, and eſpecially to the aſſociated Counties and others that are over-tax'd in the Monthly Aſſeſſment, by

by bringing in a juſt and equal way of taxing all the Lands of *England* according to their true value. The Committee, in purſuance of the Order of the Houſe, having taken great pains in ſettling a new Rate, at length agreed upon one, and reported it to the Houſe, and it is enter'd in the Journal. But while they were taking all theſe Pains, the Court was privately inform'd by ſome ſelf-deſigning Men, that it would be of much greater Advantage to them to get a Grant of the Exciſe upon Beer and Ale, ſince the Value of that was unknown; and they aſſur'd them, that it would amount to a Sum vaſtly beyond what the Parliament intended them in lieu of the Court of Wards. Theſe Men incourag'd the Court to undertake this Work, and promis'd their own Aſſiſtance and Endeavours for the Succeſs of their Propoſal. Hereupon the Court reſolv'd to puſh for the ſettling of the whole Exciſe, and by threatning privately the Members of that Houſe with a Diſſolution, and by giving to ſome conſiderable Places, they got a Queſtion put to ſettle one Moiety of the Exciſe (which had been invented and rais'd on evident Neceſſity in the times of Civil War, and not granted longer than a few months) upon the Crown in Fee, in lieu of the Court of Wards, and the other Moiety on the King for his Life.

Practice of the Courtiers.

The former part, to give the Moiety in Fee in recompence of the Wardſhips, was carry'd in the Affirmative, tho, in truth, it was the giving 300000 *l.* a year for one, for which that Houſe is juſtly blam'd, and will be ſo, as ill Husbands for the Kingdom, and unfaithful to their Truſt. A great Parliament-man, lately deceas'd, undertook to make out, it was the giving away the Barly-land of *England*.

The other part, *viz.* to give the other Moiety for Life (as much as that Houſe was influenc'd by the Court) was firſt carry'd in the Negative; which enrag'd them to ſuch a degree, that the next day a Meſſage was ſent to the Houſe, to let them know they were to be diſſolv'd a month after. This was a ſtrange and unuſual Meſſage, they might have been quicken'd to diſpatch publick Bills, and told, the Seſſion would be but ſhort; but the Meſſage, as ſent, put Men throughout the Kingdom on ſupplanting them. If the Members ſtaid in Town (and go they could not without leave of the Houſe) their ſeveral Intereſts in their Countries were indanger'd: If they went down, the ſettling the Exciſe for Life might be carry'd in their Abſence. This was the Dilemma the Court had brought them to, and accordingly it was granted before that Seſſion ended.

How it was carry'd at laſt by Trick.

All this was compaſs'd by the Artifices and Clamours of the Court-Party, who we ſince have ſeen aim'd at nothing lower than the getting ſuch a Revenue in the poſſeſſion of the Crown, as might have inabled them to govern by Arbitrary Power, and aboliſh Parliaments. They pleaded an abſolute neceſſity (as ſome Men do now in their Diſcourſes about the Town) for what they demanded; but there was indeed no neceſſity, when King *Charles* return'd, to give him the Exciſe. 'Tis true, he had great occaſions, on his Return, for Mony; but the Parliament, after the Exciſe given, found out other ways, both by Land and otherwiſe, to give great Sums, and by ſuch ways they might have ſupply'd him then without the Exciſe. 'Tis allow'd, his Revenue was fit to be enlarg'd beyond that of his Anceſtors, becauſe the conſtant Charge of the Government was greater; but this was no reaſon for an Exciſe. The putting a bar upon Crown-Grants of the Revenue, and appropriating the forfeited Eſtates of the Crown, would ſoon have done more than the Exciſe was then valu'd at, one Moiety being given for the Wardſhips, which the Court valu'd but at 100000 *l. per annum.*

The Courtiers Deſign in getting the Exciſe.

If it were fit at that time to raiſe the yearly Revenue to 1200000 *l. per annum* (tho that was more by 400000 *l.* than the yearly Eſtabliſhment and Charge of the Crown then, or for many years after, came to) if the Parliament of 1660 could not, at once, bring it to that, they might have gone as far as they could without the Exciſe, and left it to other Parliaments to make it up. They gave the Crown, without counting the Exciſe, a greater Revenue than ever it had, or than it could pretend to ſpend in time of Peace; and accordingly we ſee what amazing Sums were expended every year, out of what was pretended to be abſolutely neceſſary for the Support of the Government, in ways not to be mention'd or remembred, but only in order to prevent the like for the future.

The yearly Revenue ſettled on K. Ch. II.

And when this was given, all that Parliament got, by their Zeal to ſettle 1200000 *l. per annum*, was, That the Court, next Parliament, pretended it was not ſo much as was intended; and therefore got, by influencing Committees, ſuch Reports, upon which they obtain'd 2 or 300000 *l.* more added to the ſtanding Revenue.

The ſame Exciſe continu'd to K. J.

Upon the Demiſe of King *Charles*, what neceſſity was there to continue the Exciſe to King *James*, I mean the Moiety then determin'd? Could any thing under a Popiſh Prince be a greater Security to the Proteſtant Religion and Liberty of the Kingdom, than the ſmallneſs of the Revenue? And was it not the main Argument of King *Charles* and the Clergy, againſt paſſing the Bill of Excluſion? They urg'd, that tho the Crown ſhould come to a Popiſh Succeſſor, he could not be able to force his Religion upon the Nation, by reaſon of the falling off of the one half of the Exciſe at King *Charles*'s Death, and thereby the ceaſing of ſo great a Branch of the Revenue. Which if it had been kept low, or moderately enlarged for a time, a ſhort time, if the Commons could but agree among themſelves, they might have ſtop'd all Invaſion of Property, or Danger of Tyranny.

If ever ſuch a Revenue would have been let fall, no doubt it would have been then. But we ſee, in the Inſtance of King *James*'s Parliament, when Exciſe is once begun, there is no end of it to be expected. That Parliament gave him for his Life what was fallen, and not only ſo, but an Increaſe upon Linen, Wine, Tobacco, *&c.* worth near the double. Had King *James* continu'd among us, I doubt not, this new Exciſe would have been continu'd; nor do I doubt, whenever ſuch Grants are made, upon pretence of a preſent Neceſſity, but there will be Arts and Methods found out by thoſe in the Miniſtry, to have them perpetuated. When once an Exciſe is up, we ſee it muſt be kept on. It's eaſy to find a neceſſity for it; and where that is wanting, yet one Parliament muſt be as kind as another, or elſe it is want of reſpect to the preſent crown'd Head.

I think there was never but one Exciſe rais'd that ever fell again, and that was the additional Exciſe given in the Reign of King *Charles* for Years; and yet even that, tho it ceas'd ſome time, was again reviv'd by the laſt Parliament, and ſo continueth.

This Principle, that the Houſe muſt ever be as kind to the preſent Government, as their Predeceſſors were to others, will carry things at any time againſt the intereſt of the Kingdom; and therefore Mony ſhould not be rais'd by the Commons in that manner, in which the Houſe may be preſs'd with Arguments they have formerly experienc'd have wrought on their good Natures, beyond the Intereſt of their Countries who ſent them.

How the Parliament are Maſters of their own Reſolutions

If it be ſaid, Are not the Parliament Maſters of their own Reſolutions, and may not they ſafely truſt themſelves, ſince it is in their power to put an end to an Exciſe, whenever they think there is no farther occaſion for it? To this I anſwer, They are not ſo much Maſters of their Reſolutions as ſome think; Sollicitations go a great way, Pretences are ſpecious, Men are frail, Taxes of this kind do not immediatly touch the Members of Parliament themſelves, who are landed Men, and therefore not ſo directly concern'd to get them off. To this I add, That our wiſeſt and beſt Policy is to keep a Parliament out of the Temptation of doing that which may prove the Ruin of the Nation. Men do not care for being thought diſaffected to a Government, as it is always thrown in their Diſh, if they offer at diminiſhing any Revenue that has been given, and are not as forward as other People to gratify the Crown and the Miniſters in all their Expectations.

There was not long ago an Inſtance of this in Parliament: It appear'd to the Commons, that beſides all Grants of Lands by King *Charles* and King *James*, there was above 200000 *l. per annum* charge laid on the Revenue; and therefore, to prevent the like for the future, and that the Court might not, when they pleas'd, without Parliament, tax us by their Patents, which our Eſtates muſt make up, there was a Proviſo added to the Bill for ſettling the hereditary Revenue, to make all Grants void againſt a Succeſſor. And tho, beſides the Reaſons above-mention'd, the State of Affairs, and the Charge of making War, now ſo much greater than formerly, requir'd ſuch Proviſion; yet how heinouſly and ſpitefully was it repreſented by ſome, as if it proceeded only from prejudice to King *William?* So that tho the Act went thro the Houſe of Commons, to be lodg'd with the Lords, with them it ſlept.

Exciſe once rais'd, ſeldom falls.

I inſiſt the more upon this Obſervation, That Exciſe rais'd once (tho on pretence of the greateſt Neceſſity, and that it ſhall be only temporary, and but for a ſhort time) never fails, by one means or other, to be continu'd, becauſe I deſire the importance of the thing may be conſider'd; and in caſe it ſhould ſo fall out in the Exciſe, which now ſome ſeem to deſire, it ought ſure, at leaſt, ſeriouſly to be conſider'd, what our Caſe will be thereupon.

We

We know very well, that 800000 *l. per annum*, or thereabouts, with good Husbandry, will diſcharge all the Expences of the Government in time of Peace; therefore in the year 1660, when the Court had ſcru'd their Demands to the higheſt, they deſir'd only the ſtanding Revenue to be 1200000 *l.* and whatever they got afterwards, was not on pretence that more was neceſſary, but that they had not ſo much.

That very ſtanding Revenue which was ſettled in King *Charles*'s time was ſo great, that every body remembers, when a great Army was rais'd, the Houſe of Commons was try'd to give but one 300000 *l. per annum* more, which if they could have got, no one doubts but it was deſign'd there ſhould have been an end of Parliaments. And that very thing was preſt ſo handſomly, and ſo much to the purpoſe by ſome, who were then Members of the Houſe of Commons, that the very Penſioners of that Parliament voted againſt the Augmentation of the Revenue which was deſir'd, leſt Parliaments ſhould end all at once, and their Penſions with them.

Augmentation of the Revenue voted againſt in K. Ch. II's Long Parliament.

The Revenue now in time of Peace will yield, above all Charges, 1500000 *l. per annum*; if more be given in this way of Exciſe, and it ſhould be continu'd, 'tis the giving up the very being of Parliaments.

There are ſtill many other Reaſons againſt this way of Taxing by an Exciſe.

I have ſhew'd already, that this is a giving Men know not what: That Moiety of the Exciſe given in 1660 for 100000 *l. per annum*, hath ſince prov'd worth three and a half: That which King *Charles* deſir'd as 300000 *l.* when it was got by King *James*, prov'd to be worth more than double that value. And to this I may add, That the more ſuch Revenues prove, if they ſhould be continu'd, the more dangerous for the Nation.

Exciſe how increas'd.

This is a troubleſom and a ſlaviſh ſort of Tax. The preſent Government came in upon a foot of Liberty: What was the reaſon that the Chimny-mony was taken off, but only this, That every Man might have his Houſe free? Shall the Nation be mock'd by taking off a Feather, and in the room of it laying on a Millſtone? This is a way to bring a *Lord-Dane* into every one of our Families.

The Difficulty of raiſing this Tax will be very great, the People of *England* diſreliſh it extremely. I have heard ſome of the wiſeſt and honeſteſt Members of the Houſe of Commons ſay, They would be hang'd up at the door of the Houſe, before they would conſent to it. All that liv'd in the late times remember with what difficulty the Exciſe was rais'd by thoſe who were then in the Government; and 'tis certain they could never have compaſs'd it, but for the Terror of the Army then kept up. Now if the Parliament ſhould raiſe Mony in this way to pay our Army, and ſhould be neceſſitated, as they were, to keep up a ſtanding Army to gather it, we ſhall be at a fine paſs. The Mony muſt be rais'd to pay our Armies, that they may carry on the War vigorouſly againſt our Enemies; but inſtead of any ſuch Service from them, they muſt be kept at home to raiſe the Exciſe.

Difficulty of raiſing a general Exciſe.

The common Argument for an Exciſe, that it will ſpare our Lands, is grounded upon a falſe Suppoſition: This is not a ſparing our Lands, but a charging them for ever with double what is needful. The dearer the Farmer pays for his Commodities, the leſs Rent he will pay; and the leſs his Product yields him clear, accordingly he muſt value his Farm. The more (for example) is laid on Lead, the leſs will Wood and Oar yield; and ſo of other Commodities.

The greateſt Exciſes which are laid in *Holland*, are upon Commodities which are not of the growth of the Country: Their Corn comes from *Dantzick*, their Fleſh from *Denmark*, and ſo of ſeveral other things; ſo that by loading them, they oblige their People to conſume the Goods of their own Growth and Country, ſuch as Cheeſe, Milk, Herrings, *&c.* Whereas if an Exciſe be laid here, it muſt be upon things growing in this Kingdom, which undoubtedly will hinder the Conſumption of ſuch things; for the dearer they are, the leſs People will buy of them, and the more they will reduce their Families, that they may live cheap.

Exciſe in Holland *laid on foreign Commodities.*

The Policy of our Anceſtors tended to encourage the Conſumption of all Home-Commodities, which is certainly the true Intereſt of the Nation. Such a Tax would go directly againſt this Maxim. Heretofore the Gentry and Nobility of *England* liv'd altogether in the Country, where they continually ſpent the Product of the Land; now they all flock to *London*, where their way of Living is quite different from that us'd heretofore, and they do not expend in proportion the third part of things of our Product, to what they did when they liv'd among their Neighbours. The Yeomen and Gentlemen of ſmaller Eſtates are now, generally ſpeaking, the only

only conſtant Reſidents in the Country. If an Exciſe ſhould come to raiſe the Price of all things, how ſhall theſe men maintain their Families? And if they put them off, or diminiſh them, who ſhall ſpend the Growth of the Lands?

It will fall hard on the Farmers.

It is evident, this Tax will fall very hard every where upon the poor Farmers; and thoſe who are beſt able to pay it, will be moſt ſpar'd. For example; if an Exciſe ſhould be laid upon Malt, where will the Burden lie? The Price of it will certainly ſink in the Country, for want of Conſumption, by reaſon of the new Impoſition. The Brewers in great Cities and Towns, ſuch as *London*, *Briſtol*, *Exeter*, *Norwich*, &c. will be the only Gainers, ſince they will buy their Malt cheap, and ſell their Drink as dear or dearer than before; and the poor Farmer muſt bear the Loſs, which will quickly be the Cauſe of throwing up the Lands in all parts of the Kingdom.

Great Brewers the only Gainers.

But another thing which, I confeſs, with me is of the higheſt weight, is this: We know the Safety of the Nation depends upon the Liberty of Elections of Members to Parliament. The Exciſemen go already a great way in many Corporations, by their Intereſt in Inns and Alehouſes, in influencing the Elections to Parliament. What then do we think they will do when they have an Intereſt in every private Houſe? If there were no other Objection againſt Taxing by an Exciſe, I ſhould think this one abundantly ſufficient, with any Man that knows how much the Being and Well-being of the Nation depends upon Free Parliaments, and conſequently upon the intire Liberty of thoſe who are Electors, in giving their Votes.

If ſuch an Exciſe ſhould not be general at firſt, yet when once that way of Taxing is brought in, it will quickly grow general: If it be laid one time upon ſome Commodities, it will next time be laid on others. All we have, will come to be exciſeable; and it will be with us at length, as it is at *Amſterdam*, where (to uſe the words of one who has lately written in that Country) a Diſh of Fiſh, with its Sauce, before it be ſerv'd up to the Table, pays Exciſe thirty ſeveral times. And this indeed ought to be conſider'd the more, becauſe of thoſe in our Court and Councils, who have been bred up in *Holland*, where every thing is tax'd.

Taxes high in Holland.

Charges in gathering an Exciſe.

One thing more I muſt add, which is, That no Tax whatever is ſo chargeable in the gathering, as an Exciſe: That which is laid already upon Beer and Ale, coſts above 80000 *l. per annum* in Collecting; and if there ſhould be a general Exciſe rais'd, it would come to near three times that Sum.

My chief Deſign in writing this Paper, was to ſhew the Danger of granting an Exciſe by Act of Parliament, which I hear diſcours'd of in ſeveral Parts of the Kingdom, as a way which will be offer'd by ſome to ſupport this War, tho it was debated and rejected the laſt Seſſion of Parliament. Perhaps there may be ſome, who do not ſufficiently apprehend the dangerous Conſequence of this manner of Taxing; and for their Service it is, that I ſet down my thoughts upon this matter. No Man in *England* is more thorowly ſenſible than I am, of the neceſſity of carrying on this War. I am of Opinion, that the Liberty of this Nation, the Preſervation of this Government, and the Security of the Proteſtant Intereſt throughout *Europe*, do mainly depend upon the Succeſs of it. I have ſhew'd, that it is impoſſible to go on with it, without giving great Sums of Mony; and I am heartily for giving thoſe Sums, when our Repreſentatives ſhall know what they are, by having an exact State of the War for the next year laid before them, which I preſume will be their firſt Care. This is reaſonable and neceſſary, and more than this cannot be deſir'd: Only we would have the Taxes ſo laid, as when the Neceſſity of Taxing ceaſes, the Taxes may ceaſe with that Neceſſity.

Iriſh forfeited Eſtates promis'd to the Publick.

There are other ways of raiſing Mony beſides a General Exciſe. The *Engliſh* Nation has now, at the expence of its own Mony and Blood, reduc'd *Ireland*; Muſt none of the Lands of thoſe Rebels, after all, be apply'd to the Charge of this War? Is all that has been ſaid and declar'd in Parliament, upon that Head, to no purpoſe? Muſt the *Iriſh* Papiſts be again reſtor'd to the poſſeſſion of their Eſtates, and ſo this Kingdom not only brought under the neceſſity of maintaining a great Standing Army, to keep them from riſing and cutting the Proteſtants Throats; but likewiſe be defeated of the Lands, which they were made believe ſhould ſerve in a great meaſure, to reimburſe them for the prodigious Sums that have been advanc'd for the reducing of that Country? I hope the Wiſdom of the Parliament will take that matter into Conſideration, and not ſuffer themſelves to be fruſtrated of ſo great a Sum of Mony, as thoſe *Iriſh* Lands will yield; which, if they were expos'd to Sale, would find Purchaſers enough, at ſuch kind of rates as they were formerly ſold for upon the like occaſion; and the Mony which ſhould ariſe from them,

would

would ſerve for a Fund to defray a great part of the next year's expence of the War.

It were better to return to the Chimney-mony, than to load the Nation with this new Exciſe. I do not ſay that ought to be done, for I think it abſurd and diſhonorable, after having taken off that Burden ſo lately, with ſo much pompous Oſtentation and Expreſſion of Deſire to gratify the People, to lay it on anew; that would have a very ill Look. But yet, I think, ſuppoſing ſuch a Neceſſity, it were Wiſdom, of two Evils to take the leaſt; and rather return under the preſſure of an old Burden, than ſubmit to a greater, and run ſo great an hazard as that of ſettling a Revenue; which if continu'd, might give Opportunity and Encouragement to ill Miniſters of State to attempt, and perhaps atchieve Deſigns like thoſe, which we tell the World were the Cauſe of our joining in the late Revolution. *Chimney-mony propos'd.*

There are Commiſſioners of publick Accounts, ſitting by Authority of Parliament, to examine how the Treaſure of the Nation has been laid out for theſe laſt three Years. It will be ſeen in this Report, what immoderate Penſions have been granted, and to what kind of Men; and what incredible Sums of Mony the Nation has been cheated of, by thoſe imploy'd in Civil and Military Truſts. I do not know why ſuch People ſhould not be oblig'd to refund; and if there be care taken for the future to prevent ſuch Abuſes, the Sums of Mony which muſt be rais'd for the Defence of the Nation, and the Support of the Government, will be very much leſſen'd.

There will doubtleſs be many Propoſals made in Parliament, of different natures, for Ways and Methods of raiſing Mony. Whenever there is occaſion for a Tax, there is always great variety of Projects of that kind. But when all is done, I humbly conceive, there will be nothing upon the whole matter found ſo ſafe, and ſo much for the good of the Nation, as a Land-Tax. Other things may help, but this will be the main Reſource: 'Tis true, this will ſmart while it laſts, but we are ſure to have an end of it. The Members of Parliament themſelves will be oblig'd in intereſt to take it off, when the Occaſion ceaſes; and beſides, the Freeholders of *England* will never endure the continuance of a Land-Tax, longer than there is an evident Neceſſity for it. This is the way which our Anceſtors walk'd in upon theſe Occaſions, and this is the ſafe and ſure way.

It has been laid down in Parliament as a good Rule, to ſupport the Government in time of Peace, by Taxes upon Trade; and in time of War, to have recourſe to the Land, becauſe that Tax will not be in danger of being continu'd when the War is over.

I do not decide which of the two ſorts of Taxes upon Land is beſt, the Monthly Aſſeſſment, or the Pound-rate, which likewiſe comprehends perſonal Eſtates, as far as they can be diſcover'd. I know Opinions are much divided upon this point: The Aſſociated Counties, and ſome others, are much for the latter of theſe Taxes; the North of *England* and other parts for the former. Such a Queſtion is too nice to be handled by a Man without Doors: The Choice muſt be determin'd, in this difficulty, by the Wiſdom of the Parliament. But one thing, I think, all are for, the preſerving of the Conſtitution, and the maintaining our Liberty, for the ſake whereof all this Mony is to be rais'd; and that is all which I am pleading for. Let no Man be miſled, by a pretence of Convenience, or disburdening his Land in this way of Taxing, all thoſe are miſtaken Arguments. And tho they were not ſo, tho all the Conveniences in the World were to be found in this new method, tho there were ever ſo great eaſe to our Lands in it; yet the ſingle conſideration of what the Nation hazards in giving a Revenue, that probably will never be diſcontinu'd, and the Danger to which the Liberties of the Kingdom will be expos'd, if ever the Crown ſhall be rich enough to govern without Parliaments, is abundantly ſufficient to over-balance whatever can be alledg'd to the contrary from Topicks of preſent Eaſe, or private Intereſt. The Conſtitution, the Conſtitution is our Happineſs. Let any Inconveniences be ſubmitted to, rather than that brought into danger. We ſtand upon a needleſs point, the Revenue of the Crown is ſo very high already, that one remove more does our Buſineſs. *England* can never be undone, but by its own Conſent; have a care then of giving that fatal Conſent. We have hitherto been the Envy of all our Neighbours for our Liberties, and the Privileges we enjoy; the greateſt of which, is being govern'd by Laws made by our own Repreſentatives. All we have is owing to the preſervation of Parliaments, and making their frequent Meetings neceſſary. Let Taxes be laid ſo, that they may ceaſe with their Cauſe, and ſo Parliaments may not become unneceſſary. *Several ways of Taxing propos'd.*

I ſhall ſtop here, and ſay no more concerning a Land-Tax, becauſe this Paper is too long already, and becauſe my chief intent in writing it, as I ſaid before, was not ſo much to urge Arguments for a Land-Tax, as to offer ſome Conſiderations which might ſhew the Danger of a General Exciſe.

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Some ſhort Conſiderations concerning the State of the Nation.

Written by John Hamden *Eſq;*

A DAY being appointed by the Houſe of Commons for conſidering the State of the Nation, before the Day which they have ſet for conſidering the King's Speech, we are encourag'd to hope that they intend to proceed with great Deliberation and Caution in their Debates concerning the weighty Matters which now lie before them, greater than which never lay, nor can lie before any Parliament; and ſuch, as that the Meaſures taken upon them muſt determine the Happineſs or Miſery of this Kingdom, the Preſervation of our Religion, Liberty and Country, or the Ruin of all.

Perhaps there never was any time in which it was more neceſſary to join Heads and Hearts for the Service of our Native Country, that ſo a ſafe and effectual Method may be agreed upon to bring the Nation through the great and many Difficulties it labours under, to attain the End which was propos'd in the late Revolution, and in that War in which we are engag'd for the Defence of all that is dear unto us, againſt thoſe who are the ſworn Enemies of our Religion and Country.

Greatneſs of the Nation's Danger.

'Tis plain, the Evils and Dangers which preſs us are great and numerous, and we acknowledg the Parliament (which is our great State-Phyſician, and, under God, the Remedy of all our Ills) has already given a ſingular Inſtance of their Wiſdom and Care of the Publick, in appointing a time to conſider the State and Condition in which we are.

'Tis impoſſible to cure a Diſtemper till the State of the Patient be known. Matter of Fact muſt always go firſt: 'Tis in vain to imagine or propoſe Expedients for our Relief, till we are fully inform'd and agreed what our Caſe is; and when that is well underſtood, the nature of the Diſeaſe will naturally lead to thoſe Remedies that are moſt proper. This order of proceeding has always been practis'd in our Parliaments, who never miſtook when they would give themſelves the time thorowly to examine the ſtate of things before they came to a determination. Precipitate Counſels have often done us great miſchief; but when Matters of great Importance have been freely debated and clearly underſtood, before any Reſolution was taken, the End has never been otherwiſe than happy.

The Power of the Engliſh *Repreſentatives.*

There is not a body of Men in the World, who have ſo noble a Truſt repos'd in them, as that which is in the Houſe of Commons from the People of *England*. Our Neighbours the *Dutch*, tho they ſend Deputies to their States to manage their Publick Affairs, yet limit them with Inſtructions and Orders beyond which they cannot go: and if any new Matter of debate ariſe in the Aſſembly of their States, the Deputies can do nothing till firſt they go or ſend to their Towns for new Inſtructions. And the ſame I might ſay of Limitation of Truſts and Powers in other Governments, where Deputies are appointed and authoriz'd to act in the Name of the People. But in *England* the Caſe is quite otherwiſe; the People of this Nation do intirely put themſelves and their whole Concerns into the hands of their Repreſentatives in Parliament. They have no diſtruſt of them, and therefore put no manner of Shackles upon them; but taking it for granted they will employ their utmoſt

moſt Skill and Wiſdom for their Good, they frankly entruſt them with their Power, Purſes, and all other things wherein the Strength of the Nation conſiſts; that being cloth'd with ſo great and unbounded an Authority, they may be the better enabled to direct the Mony, Men, Arms, Shipping, and all other Advantages of the Nation, to the Defence, Safety and Preſervation of the whole, the Care of which is their proper Province.

Great Truſt repos'd in them.

The greatneſs and frankneſs of this Truſt from the People to their Repreſentatives, is the higheſt Obligation imaginable upon all Members of Parliament to lay out themſelves with the utmoſt Induſtry and Application for the Service of thoſe by whom they are thus entruſted. And this Obligation is at this time greater than uſual, ſince his Majeſty has been pleas'd ſo graciouſly in his Speech, at the opening of this Seſſion of Parliament, to demand the Advice and Aſſiſtance of the two Houſes in the Meaſures which he is to follow.

If this Parliament ſhould ſeparate what the King has ſo wiſely join'd together, and ſhould either give Aſſiſtance without Advice, or Aſſiſtance before Advice, our Affairs are ruin'd and the Nation is undone. The Order which the King has preſcrib'd is the only one that can reaſonably be follow'd. Counſel muſt go before Supplies, and Conſideration before Counſel. Since the King puts himſelf ſo generouſly upon the Advice of his Great Council in this Exigency of Affairs, 'twere an Injury to his Goodneſs and Sincerity, to doubt whether he will follow it when it is given; and the more maturely he ſees things examin'd, ſtated and debated in the beginning of this Seſſion, the more reaſon he will have to follow Advices grounded upon ſuch Deliberations.

The State of the Nation.

The thought of this inclines me to ſet down ſome few Reflections upon the State of the Nation at preſent, which is the thing now in queſtion, and muſt be the Ground-work of whatever can reaſonably be done afterwards. If we can come but once to a right underſtanding whereabouts we are, and what our Condition is, it will not then be difficult for us to know what we have to do: But if through want of Conſideration, or through Miſinformation, or for any other Reaſon whatever, we neglect the diſcovery of our true Dangers and Difficulties; or if we palliate or cover thoſe Wounds which can never be cur'd unleſs they are firſt ſearch'd to the bottom, there is little hope of our being ſav'd, and (which is the moſt killing thought of all) we muſt acknowledg our ſelves to be the Authors of our own Ruin.

In a State of War.

The firſt thing which occurs to me, when I conſider the State of this Nation, is, That we are in a State of War; and here I propoſe to conſider both againſt whom, and for what Ends it is that we make this War.

The Fr. *K. the Common Enemy of Mankind.*

The Enemy with whom we have to deal is the *French* King, who is not only our Enemy, but, in ſome ſort, may be ſaid to be the Enemy of Mankind. If there be any thing dear and valuable to Mankind, he has given the Example of tearing and raviſhing it from them, without the leaſt pretence or colour of Juſtice; if there be any thing ſacred and binding, if Contracts and Engagements have any Force or obliging Virtue, 'tis he that has grounded his whole Politicks upon infringing and trampling upon thoſe ſacred Ties, both with his own Subjects and Strangers. It has been the Deſign of his whole Life to eſtabliſh in *Europe* what they call *an Univerſal Monarchy*; which may more properly be call'd, *the enſlaving of all* Europe. We know and can prove the Particulars of his Private Treaties with both our late Kings, for the extirpating the Remainders of Liberty out of the World, by deſtroying the Governments of *England* and *Holland*, which were look'd upon by him as dangerous Examples of the Peoples pretending to Rights and Privileges, and putting Reſtrictions upon Regal Power.

As to our Religion, we know his Rancour againſt that, by the Cruelty we have ſeen him exerciſe upon his own faithful and innocent Subjects, merely becauſe they would not quit the Profeſſion of it. His hatred to all that bears the Name of *Proteſtants*, is inveterate and invincible. 'Tis he alone that maintains our late Abdicated, Fugitive King againſt us; and who, by reſtoring him again, would reduce all our Miſeries, and engage us in new ones too great to be thought on without the utmoſt Horror.

His great Power by Sea and Land.

And as his Malice againſt us is great, ſo his Power is every way anſwerable. His Armies are the moſt great and numerous that at any time were ever on foot in *Europe*. His Generals and Officers conſummated in the Trade of War. His Fleets which were lately inconſiderable, are now, by the Treachery of our late Kings, grown ſo powerful, that he is able with them to look *England* and *Holland* in the

face at the ſame time. There is no hope nor proſpect of any ſafe Peace to be made with him, unleſs we can deſtroy and ruin his Power at Sea, and by cutting off all manner of Commerce between him and our Neighbour States and Princes, put a ſtop to thoſe Supplies of Stores and Proviſions for his Armies, which enable him to carry on the War: For if we ſhould rely on the Faith of any Treaty whereby he might endeavour to deceive and lull us aſleep, we ſhould then indeed deſerve neither Help nor Pity, ſince his Perfidiouſneſs and Perjury are ſo univerſally known, that no one now expects he ſhould obſerve any Promiſes or Engagements, any farther than he is ſway'd by his own Intereſt and Advantage. This Enemy, thus Potent, thus Malicious, thus Falſe is he with whom we have our preſent War.

Cauſes of the preſent War juſt and neceſſary.

The Cauſes and Ends of our War are both juſt and neceſſary in the higheſt degree: Self-defence, the maintenance of our antient free Government, the aſſerting our Rights and Liberties; and above all, the preſervation of the Proteſtant Religion againſt Popery and Idolatry, Theſe are the Ends for which we firſt declar'd, and for which we are now proſecuting this War. In a word, our buſineſs is to make good the Revolution which we have compaſs'd, and that for no other End but to maintain our antient Rights and Liberties deliver'd to us by our brave Anceſtors, which were ſo unjuſtly invaded in the laſt Reigns, and for the ſaving and recovery whereof, we have both undertaken the War with *France*, and made the preſent Eſtabliſhment. So that it appears we are ingag'd in a neceſſary War with an Enemy, who muſt be ſubdu'd, or we our ſelves intirely ruin'd in all reſpects; and this Enemy ſo powerful and ſo politick, as that our utmoſt Strength, Wiſdom, Integrity and Reſolution, are requiſite to manage the War againſt him with hopes of ſucceſs. This, in ſhort, is our Caſe in reference to the preſent War.

It comes next to be conſider'd, in what State and Condition we are for the carrying on this great War, which has already laſted almoſt four Years, and is like ſtill to laſt much longer, and at length to end unhappily, if effectual Meaſures be not taken by the Parliament to manage it in ſuch a way, and for ſuch Ends as are conſiſtent with our Ability, preſent Condition, and true Intereſt.

I muſt here make a melancholy Picture, which cannot but be very diſagreeable to all good *Engliſh*-men; but 'tis neceſſary the Truth ſhould be known, and our Condition truly underſtood by our Repreſentatives, in whoſe prudent Counſels, next under God, we place the hopes of our Safety and Deliverance from all our Dangers. If this be not rightly known, they will proceed upon falſe Suppoſitions, which muſt certainly prove fatal to us in this great Juncture. And therefore I ſhall mention ſome few of my farther Obſervations, in reference to the State of the Nation, without fearing to give offence to any one by touching upon Truths which are but too obvious, and muſt be conſider'd if things be intended to be put upon a right Bottom, and the Nation ſav'd.

The Nation in a State of Decay.

I am afraid then that we are not only in a State of War, but alſo in a State of Decay and Conſuming, and that in many reſpects.

As to Shipping.

1. As to our Shipping. 'Tis incredible what Numbers of Ships we have loſt ſince the beginning of this War. Can any Man ſay he knows the State of the Nation at this time, or pretend to go about to redreſs it, unleſs he be firſt rightly inform'd of this Particular? 'Tis a very eaſy matter for the Parliament to know it if they pleaſe: For the Merchant-Ships (of which it is ſaid we have loſt two thouſand already) 'tis but ſending to every Port (which may be done thrice a week by the Poſt) to know from them, exactly and diſtinctly, how many Ships have been loſt from each of them; and a true account of this may eaſily be had in a very ſhort time. The loſs of Men of War will be known from the Commiſſioners of the Admiralty without difficulty. And this certainly is a Point that muſt not be omitted, when the Parliament has the State of the Nation under conſideration.

As to Seamen.

2. Another Complaint of Decay at this time, I doubt, may too juſtly be made in reference to our Seamen: The occaſion of this Decay is this; We have indeed Acts of Navigation, and one would think our own Intereſt ſhould incline us ſufficiently to imploy our own Men in Matters of Trade: yet there is ſo great opportunity given to employ Foreigners, by want of Convoys, and the breeding of Seamen being interrupted by the loſs of ſo many of our Ships, and giving up the Bank-fiſhing, and *New-found-Land* fiſhing, in a manner intirely to the *French*; that our Trade inſenſibly ſlips from us, our Merchants are diſappointed and undone, aud our Seamen diſcouraged and diminiſh'd, in whom notwithſtanding conſiſts the true Strength and Safeguard of this Iſland. This muſt be inquir'd into, and the Fault charg'd by the

the Parliament where it is due, before they can ſay they have a right underſtanding of the State of the Nation.

3. A third Inſtance of our decaying Condition is in our Trade. Not to mention again the prodigious number of trading Ships taken by our Enemies, and the diſcouragement of our Seamen by imploying Foreigners, it is well known that all Nations now drive on a free Trade with *France*, and we alone are excepted from that Benefit; while on the other hand we bear three parts in four of the Charge of this War. The *Swedes*, *Danes*, *Portugueſe*, *Venetians*, and others, take off the *French* Goods as openly as ever; and the two former ſupply them with Ships and Naval Stores. The *Spaniards* in the *Netherlands* maintain as open and regular a Trade with them as in the time of full Peace, without ſo much as a Diſguiſe, or the leaſt pretence of a Diſguiſe, tho we know they cannot ſubſiſt one moment without us; and therefore we may put a ſtop to ſuch Abuſes and deſtructive Practices whenſoever we pleaſe. Thoſe who know the Condition of *Denmark*, know likewiſe that we might eaſily have hindred the Supplies that have gone from thence to *France*; but tho that were often advis'd and preſs'd, yet nothing could be ever procur'd to be done. The *Dutch*, who pretend to be ſo cloſely united with us in Intereſt at this time, have private Factors every where carrying on a Trade with *France*, in the name of other Nations, while we alone loſe the benefit of that Trade, which the reſt of the Allies divide among them. This muſt be conſider'd and examin'd, as one principal Branch of the preſent unhappy State of the Nation. *As to our Trade.*

4. Another proof of the Decay we are under, is the loſs and diminution of our Treaſure, of which the King takes notice in his Speech; and this proceeds not only from hiring Foreigners for Convoys, and foreign Importers, who carry away the Mony that ſhould be divided among our *Engliſh* Seamen and Traders, as was ſaid before, but principally from thoſe vaſt Sums which are ſent *in ſpecie* to pay our Land Army, little of which ever returns into *England* again; and that which does is ſo clip'd and leſſen'd that it will not paſs; and from ſome of it I have heard it confidently affirm'd, there is no leſs taken than four or five Shillings in the Pound. 'Tis certain that every Nation has but ſuch a certain quantity of Bullion, ſome more, ſome leſs, actually exiſting and being at one time within the Country: If that circulates and goes from hand to hand, whatever Loſſes private Men may ſuſtain, the Publick will never the more be impoveriſh'd. If the Stock be increas'd, and the Coin augmented by Trade, the Nation in proportion muſt needs grow richer. But if that Stock be every day viſibly and conſiderably diminiſh'd, by taking from it, and ſending what is ſo taken to places from whence it ſhall never return, without any other way to make equal Amends for ſo conſiderable a diminution of Mony and Treaſure, it is plain that ſuch a Country muſt fall apace into Poverty, which draws all other Miſeries at its heels; for Silver and Gold are the Nerves of War and all other buſineſs. Thoſe who go into the ſeveral Counties of *England*, hear the Complaints that are made for the want of ready Mony: and Landlords, who have ſo much difficulty to get Rent from their Tenants, need no Arguments to convince them of the Truth of that Complaint made by the King in his Speech as to this Matter. This is another part of our Decay to be conſider'd and remedy'd. *Decay of the Coin.*

5. Another Point of Decay which I ſhall touch, and but juſt touch (tho it be the moſt important of all) becauſe it is an individious Point, is our Loſs of Blood. 'Tis true, Blood is like Water ſpilt on the ground, when once 'tis ſhed it cannot be gather'd up again: But however 'tis good to look backwards, and reflect upon theſe things in our Mind, that at leaſt the ſerious conſideration of what is paſt, may enable us to take better Meaſures for the future, and our Repreſentatives to give ſafe and faithful Advice to our King, which is the ultimate Scope and End to which their preſent Debates ought to be directed. *Loſs of Men.*

Our Strength conſiſts mainly in three things, our Shipping, our Treaſure, and the Bodies of our young and vigorous Youth, which are the immediate Defence of the Nation both at Land and Sea. If theſe are in a decaying condition, we muſt decay, and at length expire with them: Therefore this muſt be conſider'd under the Head of Decay. I ſhall not ſay how many Lives have been ſpilt for the Reduction of *Ireland*, and how many of them might eaſily have been ſpared, if things had been rightly manag'd at firſt; nor how many of our braveſt Men periſh'd in the Action at *Steenkirk*, for want of being ſuſtain'd as they might and ought to have been: But ſurely theſe things are fit to be examin'd by the Parliament, when they are ſitting upon the State of the Nation.

Now to leave this Point of Decay, and to name but one more at preſent, in reference to the State of the Nation, I ſay we are abſolutely in a State of Unſettledneſs in all reſpects, which muſt needs be very dreadful when we have ſuch a War upon our Hands.

The Nation unſettled in Government, as to the King's Title.

1. We are intirely unſettled as to the Government. The King's Title, and the Legality of it, are as publickly diſputed, and with as little fear of Puniſhment, as any Point of Natural Philoſophy in the Schools at *Oxford*, or any moot Caſe of Law by the Students in the *Temple*. Is not this an unſettled Condition with a witneſs? The *Jacobites* maintain every where that King *James* has a good Title ſtill; and that all that was done by this Nation in depoſing him, and ſetting the Crown upon K. *William*'s Head, was void in it ſelf; and that no ſubſequent Conſent or Submiſſion of the Nation can legitimate an Authority ſet up at firſt upon ſo unjuſt a Foundation: and yet we do not ſee even any of theſe Men made Examples. Others who pretend to ſubmit to this Government, do yet openly renounce and impugn the Principles and Grounds upon which it was ſet up by the Nation. They will ſuffer no mention to be made of the Original Contract broken by King *James*, nor of that new Contract made by King *William* with this Nation, in virtue whereof he is this day King of *England*. But inſtead of this, they write Books and publiſh them, one while to prove that he is King by Conqueſt, another while to prove that he is King by an immediate Providence of God, and Direction from him; both which are equally deſtructive to the Nature of our Government, and to all the Ends propos'd to be compaſs'd in the Revolution. And when theſe Books come out, we ſee one of them licens'd by one Secretary of State, and another by another Secretary of State, which is as much Authority as can be given to the Writings of any private Men. Theſe things fill the Hearts of the People with Diſtruſt, Fears and Jealouſies, and do ſo diſtract them that they know not where they are. If we are conquer'd, we have no more Laws nor Liberties at all but as the Conqueror pleaſes. If God's immediate Hand have placed the King in the Throne, all Contracts and Stipulations vaniſh, and the Peoples part in eſtabliſhing this Government comes to nothing: Nor can the Limitations they think they have put upon it for their own Good and Safety, be of any force. And then what Intereſt can they have to defend it? When Men ſee the Marks of Publick Authority affixed to theſe vile pernicious Libels, they know not what to think, or which way to turn themſelves; it quells and daſhes them to that degree, that they have no more Heart nor Alacrity to appear and act for the Common Cauſe. Sure this is fit for the Inſpection of Parliament, when they are upon the State of the Nation.

Jacobitiſm *prevails.*

Abjuring Bills declin'd.

There have been Bills and Declarations offer'd ſeveral times in Parliament for abjuring King *James*'s Authority, and declaring King *William* and Queen *Mary* lawful and rightful King and Queen of this Realm; but nothing of this kind has ever yet been brought to perfection. How can we think our ſelves in any ſort of Settlement, ſo long as this remains undone? It has always been the Cuſtom, both in *England* and other Countries, when Princes, Families, and Forms of Government have been laid aſide for their Tyranny, Male-Adminiſtration, or even but any Politick or Prudent Reaſon, to cauſe the People to renounce and abjure them, at the ſame time that they took their Oaths of Fidelity to the new Government, eſtabliſh'd in the room of that which was laid aſide; and without this the new Government never thought it ſelf ſecure, nor could think ſo: for while the Peoples Allegiance is not fix'd upon one and the ſame Government, the Kingdom muſt be divided; and we know a Kingdom divided within it ſelf cannot ſtand. Nay even where there was no actual Change made, but only in Proſpect and Futurity, yet there the People were oblig'd to declare themſelves abſolv'd from any Obligation of Obedience to thoſe who were laid aſide.

Of this we have ſeveral Examples in the ſeveral Changes which were made in the Succeſſion, by Act of Parliament, in *Henry* the Eighth's Reign; and the like has been always done in all other places. When the *Tarquins* were driven from *Rome*, were not all the People oblig'd ſolemnly to renounce them and their Government for ever? And to give no more Inſtances, was not the ſame thing done in *Holland* in the laſt Age, when the *Dutch* reſcued themſelves from Slavery, by throwing off the *Spaniſh* Government, and ſetting up a Free Commonwealth? Will our Condition be leſs miſerable than theirs was, in caſe our abdicated King *James* ſhould return upon us, and be replac'd in his Throne by a *French* Army? Are the *French* more merciful now than the *Spaniards* were at that time? or rather would they not act a thouſand times more Cruelties here if they ſhould prevail upon us, than the former

former did in *Holland*, having a threefold Pretext for their Violences againſt us, ſince they would, at the ſame time, look upon us as Hereticks, as Rebels, and as a conquer'd Country? Ought we not to uſe the ſame prudent Means to ſecure our Government, and to diſcern thoſe who are for it in Principle, from thoſe who comply with it only from Fear and Intereſt; which have been practis'd by other wiſe Nations, and ſo often by our own, upon the like occaſion? But inſtead of this, whenever any thing of that kind has been brought on, it has always been defeated by thoſe whoſe Maſterpiece it has been, ever ſince the late Revolution, to keep all things in ſuſpence, as they hope ſtill to do, till they can find an Opportunity to bring back their old Maſter, to whom they will value themſelves upon their Dexterity, in keeping off a thing that would have been ſo much to his Prejudice. And their treacherous Inſinuations did ſo far prevail, where one would leaſt have expected it, that thoſe who of all others ſhould have deſir'd ſuch an Abjuration, and ſhould never have thought themſelves ſafe one minute till it were enacted, were brought to believe it to be againſt their Intereſt, and to oppoſe and counter-work it in Parliament as much as they could; inſomuch that a Gentleman of the Houſe of Commons being ask'd, whether he would be for the Abjuration? anſwer'd very ingenuouſly, No, he did not deſire to diſpleaſe two Kings at once.

The Lawfulneſs of their Majeſties Title not aſſerted nor ſecur'd.

'Tis aſtoniſhing to think, that the Officers in the chiefeſt Truſts of the Nation are not oblig'd to own this a lawful Government, as it is declar'd and aſſerted to be in the Bill of Rights. And it is the more aſtoniſhing, no ſuch Proviſion ſhould have yet been made by the Parliament, for the Security of the Government, becauſe ſeveral of thoſe who have now the greateſt Employments and higheſt Truſts in the Kingdom, did, both before and after the time of preſenting the Crown to their Majeſties, openly declare and maintain it as their Opinion, both in Parliament, and upon many other Occaſions, that their Majeſties were not, nor could not be made lawful King and Queen, but were only ſo *de facto*, and as ſuch they ſubmitted to them, and no otherwiſe; which I believe is the firſt and only Inſtance that can ever be produc'd, either out of antient or modern Hiſtory, of Miniſters and Officers of State, who openly and publickly maintain'd, in ſet Speeches, in the Aſſembly of the States or Repreſentatives of a Country, that the Prince whom they actually ſerv'd had no juſt or legal Title. This is ſuch a ſort of unſettledneſs, as never was any where but in *England*, nor never there but at this time only.

Unſettlement as to the holding of Parliaments.

But to conſider the State of the Nation farther in this reſpect; We are not only in an unſettl'd Condition in reference to this King's Title, but likewiſe in reference to the antient Government it ſelf, and the time of holding Parliaments. The antient Law of *England* is indeed clear and plain enough in this matter: but it has been ſo obſcur'd by the illegal Practices and Judgments in the late Reigns, that we cannot be thought to have any manner of Settlement, till this great Point be clearly ſettl'd and determin'd. Indeed there is mention in the Bill of Rights of frequent Parliaments: but this is ſo general an Expreſſion, and ſo liable to doubtful Interpretations, that we can receive no aſſur'd Benefit from it. Our Government cannot in any ſort be thought to be ſettl'd, till the Manner and Time of calling Parliaments, and their ſitting when call'd, be fully determin'd, explain'd and agreed on. Without this we are but *Arena ſine calce*, our Government is but the Embryo and Rudiments of a Government, a Government only *in Potentia*; and there can be no real Settlement till we know and appoint, with certainty, the times of calling, holding and ſitting of Parliaments. The different Methods taken by our late Kings to deſtroy our Conſtitution, and enſlave us, either on the one ſide, by depriving us of Parliaments intirely, and in the abſence of them, governing us by Will and Pleaſure (which was the Caſe in King *Charles* the Firſt's time) or on the other ſide (which was equally deſtructive to the Nation, and its Liberties) by keeping one and the ſame Parliament ſo long on foot till they had time to corrupt the Majority of them by Offices, Gifts and Penſions (which was what was practis'd in the time of King *Charles* 2.) I ſay, theſe different Methods of our Kings to diſappoint us of all the Good we hop'd from Parliaments, have made it abſolutely neceſſary to come to a clear Settlement in this matter, without which 'tis a Jeſt to talk of a Settlement. And this is certainly the true time to get it done, now that the Crown has need of ſuch great Sums of Mony, and that the King asks ſo frankly the Advice of the Parliament for taking ſuch Meaſures as may be for the good of the Nation; and it is not ſufficient to anſwer, that we have now ſo good a King, that we need not fear but we ſhall have Parliaments as often, and in ſuch a manner as is moſt for the good of the Kingdom. For the beſt Kings are mortal, and it is in the Reigns of

good

good Kings that good Laws muſt be made, or not at all. And there is no doubt but if the Parliament lay this matter before the King, with the Reaſons that oblige them to deſire it, his Majeſty will be prevail'd upon by them to conſent to a thing, which is ſo indiſpenſably neceſſary to the maintaining that Conſtitution, and thoſe Liberties of the Nation which he came over to aſſert and vindicate.

Caſe of the impriſon'd Lords in K. Ch. 2 time.

To ſhew how unſettl'd we are as to this great Point of Parliaments, I cannot but mention the Caſe of thoſe Lords, who were under an Impeachment of the Houſe of Commons in the end of King *Charles* the Second's Reign, and had been committed to the Tower by the Lords in order to their Trial, where after they had been four or five Years without a Trial, for want of a Parliament to try them, they were bail'd out of Priſon by *Jefferies*, and the other Judges of the King's Bench in *Michaelmas* Term, 1683. This was contrary to all Law and Privilege of Parliament, and therefore they were ſeveral Years before they durſt venture upon it; but at laſt the Judges of the King's Bench undertook it: and when they came to do it, the reaſon they gave was, that it being intirely in the King's Power when to call a Parliament, which he might keep off as long as he pleas'd by his Prerogative Royal, notwithſtanding the Laws for annual Parliaments; and it being uncertain whether he would call one or no, ſince he had not done it for ſeveral Years before that time, it could not be the Intention of the Law to keep Men without Trials in Priſon all their Lives, which, for ought they knew, might be all ended before the King would think fit to call a Parliament. And therefore they thought they had Power to relieve Men in ſuch Caſes; and accordingly they let out thoſe Priſoners under Bail, who have ever ſince continu'd to be at Liberty, both before and ſince the Revolution. Theſe Diſcourſes of the Judges of the King's-Bench were taken in Notes by the Lawyers, and will doubtleſs appear in any of their Reports that ſhall be printed, as the unanimous Opinion of all the Judges of that Court; and the Order of Court, which was made for admitting thoſe Lords to bail, in purſuance to that Principle and Maxim of the Judges, that it is in the King's Power to keep off Parliaments as long as he pleaſes, is a ſtanding Teſtimony upon Record, that our Conſtitution, as well as our Laws, is intirely in the King's Breaſt, and that he has the Prerogative of governing us without Parliaments always, or as long as he pleaſes. While ſuch Points as theſe remain unſettl'd, and ſuch Precedents uncondemn'd, 'tis plain our Government is altogether without Settlement; and that whilſt the holding of Parliaments is precarious, and abſolutely depending upon the Pleaſure of the Crown, there can be no Safety for the Life, Eſtate or Liberty of the *Engliſh* Subject.

2. Thus it appears, as one part of the State of the Nation, that we are in a Condition of Unſettledneſs in reference to the Government: But we are farther in a very ſad unſettl'd Eſtate in many other reſpects. We are unſettl'd as to the quiet Enjoyment of our own Houſes. There are Precedents lately made, both in publick and private Houſes, of quartering Soldiers, contrary to the antient Law, the Petition of Right, and the expreſs Letter of the Act of *Car.* 2. And this is the leſs excuſable, becauſe there was a Bill paſt the Houſe of Commons laſt Seſſions, to enable them to quarter their Soldiers, and to regulate the manner of it: but there were ſome things in the Preamble of that Bill which diſpleas'd ſome People; and therefore it was thought better to quarter them without Law, and againſt Law, than to ſuffer a Bill to paſs which had ſome Clauſes in it that ſeem'd to put too much Reſtraint upon Prerogative. If ſuch Oppreſſions and Invaſions of the Liberty of the Subject are let alone without Remedy, 'tis to little purpoſe for Parliaments to meet to conſider the State of the Nation, or to pretend to make any Proviſion for our Safety. And the truth is, this cannot be remedy'd but by a new Bill of Rights, declaring again the Right of the *Engliſh* Subject in this behalf.

Quartering Soldiers in private Houſes.

3. The ſame may be ſaid in reference to our Property. We are likewiſe in a very unſettl'd Condition in that reſpect. For this, I ſhall only at preſent give one Inſtance, which is that of ſeizing the Subjects Property for Tranſport-Ships, without ſettling any Fund to pay them, as has been made out before the Commiſſioners of Accounts, by which many have been oppreſs'd and ruin'd.

Taking Tranſport Ships without Funds to pay them.

4. But further, We are in an unſettl'd Condition as to our very Lives. There is no Man ignorant of the barbarous Proceedings in Trials for Treaſon in the late arbitrary Reigns. Men were condemn'd and executed upon the Evidence of ſingle Witneſſes, upon Papers not prov'd to be their Hand-writing, by Innuendo's and farfetch'd Conſtructions; all the benefit allow'd them by the Laws was deny'd them, illegal Juries pack'd upon them; and the Laws which had been provided by the Wiſdom of our Anceſtors for the Defence and Security of the Subject's Life, were by

Trials liable to Uncertainty.

by perverſe and falſe Conſtructions, put upon them by corrupt and mercenary Lawyers and Judges, made uſe of to murder and deſtroy the beſt Men we had. The remedying of this great Evil was declar'd to be one of the main ends of the Revolution. And yet things are ſtill at this day in the ſame Condition, in that reſpect, as they were before the King came into *England*. The Lives of the Subjects are in as much danger as ever, ſince there is no manner of Security yet provided againſt the open Violations of Law in the laſt Reigns. Nay, the very ſame corrupt Opinions are now deliver'd for Law, which King *Charles* and King *James*'s Judges were infamous for. For it is but few days ago that ſome of the Judges declar'd, in the Lords Houſe, that one Witneſs to a principal Treaſon, and another to a Circumſtance, was ſufficient to convict a Man that is indicted for Treaſon; which was the worſt of all the Opinions deliver'd upon the Bench by the late Chief Juſtice *Jefferies*. If theſe Doctrines are ſuffer'd to paſs for Law amongſt us, our Revolution indeed is to good purpoſe; and yet there is not hitherto any Proviſion made to the contrary. Can our Parliament, when 'tis upon the State of the Nation, ſuffer us to continue unſettl'd in ſuch Points as theſe are?

5. Another Particular in which we are at this day as much unſettl'd as in any of the reſt, is, the way and manner of defending the Kingdom againſt our Enemies. Whenever we are frighted with the Noiſe of a *French* Deſcent, our Militia is rais'd, to the vaſt expence and burden of the Kingdom; but 'tis ſo unexperienc'd, undiſciplin'd, and compos'd of ſuch Perſons, that it can never be any real Defence to the Kingdom in time of Danger. There is indeed no Militia ſettl'd, but what is burdenſom and uſeleſs. Several Bills, 'tis true, have been offer'd to this and the laſt Parliament for putting the Militia upon a uſeful foot to the Kingdom, but they never came to any thing, being always oppos'd and defeated by thoſe who thought it more for their purpoſe to have a regular ſtanding Force kept up. Our Anceſtors were a Warlike People, and it was the Policy of thoſe free and honeſt times, to keep all the People of *England* to the Exerciſe of their Arms; and for this purpoſe there were divers Laws made, which were duly and conſtantly executed, by which means all the Men in the Nation, who were able to bear Arms, were perfectly well-diſciplin'd, and enabled to defend their Country in their own proper Perſons, which is the only true Defence of a free Country. With this ſort of Men, drawn together as occaſion requir'd, our Anceſtors conquer'd *France* ſeveral times over: and with this ſort of Men it is at this day that the *Swiſs* defend their Liberty; no Power in *Europe* daring to invade, or attack a free Nation arm'd and diſciplin'd in its own Defence, and which fighting for it ſelf, can neither be corrupted like an Army of Mercenaries, nor enter into Deſigns againſt its own Liberty and Happineſs. When our old Laws are reviv'd (with ſuch Alterations as the Change of Arms, and the preſent way of fighting requires) and our old Diſcipline reſtor'd, our Militia will then be ſignificant indeed for our Defence, and not till then. There is one Clauſe in the Bill of Rights which ſeems to look towards this, which is, That every *Engliſh* Subject has a Right of keeping Arms for his Defence. But this is not enough, the old Laws muſt be reviv'd, and our Militia, which is at preſent but a Burden and Grievance to us, muſt be put into a real Condition of being uſeful, and a true Defence to the Nation. This is another Point in which, I ſay, we are wholly unſettl'd, and that is, the way and manner of Defence of the Kingdom; and this is another part of the preſent dangerous and unſettl'd State of the Nation.

No Militia ſettl'd.

6. Another thing in which we are in a lamentable unſettl'd Condition, is, the Courſe of our Trade, which was touch'd before under the Head of Decay. Our Merchants are ruin'd by the loſs of their Ships and Goods, and their beſt Opportunities of Trade are loſt for want of Convoys. Our Seas and Coaſts are not defended, and our Natives are forc'd to have recourſe to Foreigners to guard and convoy their Ships, who carry away the Mony that ſhould be earn'd and kept in *England* by our *Engliſh* Seamen. All Nations are permitted to trade with *France*, and ſupply them with whatever is neceſſary for the carrying on this War, whilſt we alone loſe the Benefit of ſuch a Trade; ſo that in effect, we make War againſt *France* alone, and all the World makes War againſt us. And certain it is, that while the Fountain is ſo plentifully ſupply'd with Water from all parts, we ſhall never be able to ſtop the Streams: or, which is all one, while the Fire is ſo conſtantly fed with Fuel from all hands, we ſhall never be able to put it out. The greateſt and moſt certain of all our Maxims, at this time, is this, that unleſs we can put a ſtop to the Commerce of *France* with our Neighbours, and to the ſupply of Ships, Stores, and other

Trade loſt for want of Convoy.

France *has a free Trade with other Nations.*

other things which they receive from them, we can never hope to bring this War to a happy end. The Price of Corn is exceſſive high at preſent in *France*, which cauſes a ſort of Famine in many Provinces of that Kingdom: This is a great Advantage to us; but if we ſuffer the *Danes*, *Swedes* and *Hamburghers* quietly to ſupply them with as much Corn as they want, what benefit can we have from this Advantage? The *Dutch* and *Spaniſh* Bills of Exchange do now run thro *France*, which, beſides the Profit the *French* have by it, is a certain way of revealing to them all the Secrets of the Confederacy, ſince they have the Power of opening all Letters in the Paſſage. This has been ſufficiently repreſented, and other ways propos'd for the Conveyance of Letters and Bills of Exchange; but ſuch Offers have been neglected, and the ſame way of ſending Letters thro *France*, ſuffer'd to continue. And ſince I have mention'd this, I muſt alſo take notice of the Trade driven with *France* by the Jews in *Germany*, who ſend every Year ten or twelve thouſand Horſes to ſupply their Army; and the Princes who are our Allies, connive at this Trade for the ſake of a little Profit: And then when we go into the Field againſt the *French* in *Flanders* in the Summer-time, theſe very Horſes are imploy'd againſt us. Thus we ſuffer our Allies, and all the World, to carry on a lucrative Trade with *France*, while we our ſelves are forc'd to bear almoſt the whole Burden of the War, and are thus ſhamefully made the Cullies of the Confederacy.

Ill Management and Treachery.

The Truth of it is, our preſent Condition is very miſerable and dreadful. If we look upon the War, and the Management of Affairs at home in reference to it, we cannot but ſee that there is a Vein of Treachery runs thro it, from one end to the other: How elſe is it poſſible every thing ſhould miſgive and miſcarry, as we ſee it has done? How could all our Preparations this Year for a Deſcent upon *France*, have been fore-ſlow'd and retarded as they were, and our Men imbark'd, only to coſt half a Million, and make us ridiculous to the whole World, unleſs the hand of *Joab* had been in it? Nay, it does not appear there was ſo much as any tolerable Scheme, Plan or Deſign laid for this Deſcent, which was ſo much valu'd to the Parliament laſt Winter, and fill'd the World ſo much with Expectation all the beginning of this Summer: The time was only ſpun out, and all things order'd ſo, that no good Effect ſhould follow; which could proceed from nothing but Treachery in ſome of thoſe who had the ordering of it. Who can believe that our Victory at Sea this Year ſhould not have been farther purſu'd, if all People imploy'd had been well intentionated? Why was there never any examining of Miſcarriages, in not purſuing this Victory at Sea, and in not haſtning the Preparations for the Deſcent? In theſe Caſes we have *Teſtimonium rei, res ipſa loquitur.* There can be but one Reaſon for ſuch affected and ſtudy'd Neglects, as theſe are. How come we to labour under ſuch want of Intelligence, even in things in which it may ſo eaſily be had, and that for ſo little Mony? The want of this kept out our great Ships laſt Year longer than was needful, when the *French* laid up theirs. It was that or worſe that loſt the Opportunity of fighting the *French* laſt Year, when they came to *Ireland* with only a Squadron. It was want of Intelligence that made our Fleet ſo backward to go out this Spring. If we had good Intelligence, we had not ſtaid, after we were ready, for the *Dutch* Fleet to aſſiſt us, when we were really more in number than the *French*, tho Reports were induſtriouſly ſpread that they had 90 or 100 Sail of Line Ships, and that *D' Eſtree* had join'd them, which was confirm'd at Court, tho a *Dane* affirm'd he had left *D' Eſtree* in the *Straits*. We had no notice, for ſeveral weeks together, of the *French* Ships got into the Road of the *Haure de Grace*, and their Condition there (tho eaſy to be had twice a week by Fiſhermen) till Merchants brought the News to our Secretary's Office.

Want of Intelligence.

Delays in all Deſigns.

When Orders are to be given out for any Deſign, there are ſo many Delays, upon one Pretence or other, that the time of Execution is always over before the Orders are receiv'd. And beſides, they are ſo defective, and in their nature ſo impracticable (as we have lately ſeen in the Buſineſs of the Deſcent) that it were better none at all ſhould be given.

None diſcover'd or proſecuted.

Are there any Deſigns on foot to join with our Enemies, and riſe in favour of them, as there was this Summer, when the *French* were coming? Yet no body is found out or proſecuted that was concern'd in it. Every body knew that Horſes and Arms were bought, and ſome were taken. Every County ſaw that their diſcontented Men flock'd up to *London*. No body thought the *French* would either provide to come hither, or ſeek to fight us at Sea, but upon ſome Ground of Treachery; and yet there could be no body diſcover'd that had any Correſpondence with them. Theſe things are Indications ſufficiently plain to any wiſe Man, where the bottom of all this Miſchief lies: But none are ſo blind as thoſe who will not ſee.

All

All theſe things put together, make a conſiderable part of the melancholy and miſerable State of the Nation at this preſent time. If it be ask'd, what ſhall be done to remove all theſe Evils? I ſay, the firſt Step towards a Cure, is well to underſtand our Diſeaſe; and if the Parliament can be throughly ſenſible of theſe things, and make the King likewiſe ſenſible of them, the very Nature of the Diſeaſe will of it ſelf lead to the proper Remedies. Therefore I am humbly of Opinion, that the Parliament ſhould begin by a moſt humble, dutiful and reſpectful Addreſs to his Majeſty, repreſenting to him the true State of the Nation in its preſent Circumſtances, returning Thanks in the moſt humble and affectionate manner imaginable for that gracious Expreſſion of demanding the Advice of the Parliament, and aſſuring him, that neither their Advice or Aſſiſtance ſhall be wanting for maintaining and defending his Perſon and Government againſt the Attempts of all his Enemies; as on their ſide, after what he has ſaid at the opening of this Seſſion of Parliament, they cannot doubt but his Majeſty will heartily concur with them in what they ſhall adviſe for his Honour, Safety and Greatneſs, and the Good of the Nation. After this the Parliament will proceed to offer to his Majeſty ſuch Bills as may be moſt proper to remedy the Grievances of which we complain; and at the ſame time that they give Mony for carrying on the War, will adviſe ſuch Meaſures as may beſt enable his Majeſty to bring down the exceſſive Power of *France*, and at the ſame time to ſecure the Happineſs and Liberties of the *Engliſh* Nation. If Debates are free and clear within Doors, ſo as to incourage thoſe without, to hope that there is really a Probability of ſomething to be done for the Good of the Nation, there will be farther Propoſals made of ſuch things as are thought moſt proper and neceſſary to be done at this time.

The melancholy State of all.

An INQUIRY; or a Diſcourſe between a Yeoman *of* Kent, *and a* Knight *of a Shire, upon the Prorogation of the Parliament to the ſecond of* May, 1693.

Yeoman. SIR, your humble Servant, I am happy to meet you at this Friend's Houſe, where I did not expect you——Pray, Sir, is the News true, that the King hath prorogu'd the Parliament to day?

Knight. 'Tis very true, we are prorogu'd to the ſecond of *May* next.

Yeom. Were all your Bills paſs'd that were agreed on by both Houſes?

Kt. I wiſh I could tell you they were.

Yeom. I hope, Sir, the King hath not refus'd any publick Bills?

Kt. Which are thoſe you call Publick?

Yeom. Truly, Sir, thoſe two wherein the Country reckon'd themſelves moſt concern'd are, *That for ſecuring the Foundations of the Civil Government, by ſuch a conſtant Succeſſion of new choſen Parliaments, that their Deputies by their long continuance in that Truſt, may not be in danger to be corrupted, by Offices, or private Intereſts:* And, *That for preſerving our Property in our Lands and Mines, againſt the Pretences of a Royal Prerogative, to take away our Mines and Oar, tho we have ſpent moſt of our Eſtates to diſcover the Mines in our Lands.*

The Bill for frequent Parliaments.

Kt. I am ſorry to tell you, that thoſe are the two only Bills to which his Majeſty would not aſſent.

Yeom. Are thoſe Bills then to be utterly loſt, after that both Houſes have ſpent ſo much Time and Care to compoſe them? May they not be offer'd to the King again as ſoon as the Parliament meets?

Kt. You ſeem not to know the Force of a Prorogation of Parliament, which (as our Lawyers have of late reſolv'd) makes void all Bills of that Seſſion, not enacted, and all other Matters depending, as if they had never been: Theſe are no more to be accounted Bills of Parliament; but if any thing contain'd in either of them be deſir'd to be hereafter enacted, it muſt begin anew, as if it had never been before in either Houſe of Parliament.

The Inconvenience of refuſing to paſs Bills.

Yeom. Sir, if all the Care and Pains of our Deputies in Parliament may be thus neglected, or blown away with one Breath, what hopes have we then from the Conſultations of Parliament, of the promis'd and long-expected Settlement of Liberty and Property?

Kt. I know no Remedy, until the King ſhall pleaſe to cauſe a new Seſſion of Parliament.

Yeom. And is ſuch a Seſſion to be abſolutely at the King's Will, whether it ſhall be ſix Months hence, or a Year, or ſeven Years?

Kt. You know it was ſo deſign'd, and in part practis'd in the late Reigns; and the Judges then were ſo corrupted, that they declar'd (notwithſtanding the Laws for annual Parliaments) * *That the holding of Parliaments depended intirely on the King's Pleaſure.*

Annual Parliaments the former Cuſtom in England.

But 'tis moſt manifeſt, beſides the poſitive Laws for yearly Parliaments, † that by the antient Conſtitution of our Government, they did meet of courſe at leaſt twice every Year.

Afterwards in the Reigns of the *Saxon* Kings, it was made a perpetual Law, that a Parliament ſhould be holden every Year once at *London*; and the ſame Law

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* *Vid.* The Minutes of the Judges Opinions in the King's Bench, upon the Arguments about bailing the Earl of *Danby* out of the *Tower*.

† *Inter Leges Edgari, cap.* 3.

was

was incorporated into the Laws of *Edward* the Confeſſor; and from thence all the ſucceſſive Kings of *England* to this day, have been ſworn to the Obſervance of it.

I muſt confeſs to you nothing prevail'd with me more to concur with our King in his Pretenſions to reſtore our Parliaments, and the Laws to their due Authority, than my own Knowledg, that the late Civil Wars in this Kingdom, and the Subverſion of our Religion, Laws and Liberties, were principally occaſion'd by the Powers uſurp'd in ſeveral late Reigns, to refuſe the calling of ſucceſſive Parliaments, and to continue the ſame Parliament for many Years, to form them into a compliance with their Deſigns of Deſpotick Power. *Not calling of frequent Parliaments often complain'd of.*

When I read the ſolemn and repeated Aſſurances his Majeſty gave us, *That his Deſign in coming into* England, *was to remove from the Adminiſtration of the Government thoſe evil Miniſters that had promoted the Murders and Treaſons committed, in attempting to ſet up an Arbitrary Power over the People and their Parliaments*; and alſo heard him deſire the Parliament *to make ſuch an effectual Proviſion for their fundamental Laws and Liberties, that they might never hereafter be in danger to be again invaded*; I thought the antient legal Courſe of annually choſen Parliaments would have been immediately reſtor'd, and the ſtrongeſt Fence made for that Conſtitution, that the Wiſdom of the Kingdom could have invented: but I muſt tell you, to my ſorrow, that we are left as much to the King's Will for a Seſſion of Parliament, as evil Miniſters in the late Reigns deſign'd we ſhould be.

Yeom. If this be our Caſe, it is no wonder that Mens Minds are ſo unquiet; we are in daily eminent hazard of Confuſion, whilſt the Government remains wholly unſettled in its Fundamentals. It ſeems to be apparent, that after the expence of twenty Millions, beſides the vaſt Effuſion of Blood, we are no more ſecur'd againſt the Slavery we fear'd by ſubverting our Conſtitution, than we were before the Convention of the People for a Settlement, when King *James* had juſt abdicated the Kingdom. *The great Inconvenience of it.*

Kt. You take it rightly. If no Bill ſhould paſs to ſecure the certain legal Succeſſion of Parliaments, and we ſhould connive at the Uſurpations made by the late Kings therein, and ſeemingly approve the *Turkiſh* Doctrine of the then Judges, *That the holding and continuance of Parliaments depended abſolutely upon the Wills of our Kings*; then the ſupreme Power, veſted by the Conſtitution in Parliaments, to maintain the Laws and Statutes, and preſerve Juſtice and good Government, muſt be acknowledg'd not to be the Kingdom's Right, but to ariſe from the gracious Will and Pleaſure of their Kings, and the People muſt not dare to claim Liberty and Property as their Due.

If this Point of our Conſtitution ſhould remain thus unſettled, and an ill King ſucceed his preſent Majeſty, then the free Counſels of the whole Kingdom for its Defence and Welfare appointed by our Laws to be in Parliament, may (by the pretence of his Prerogative) be utterly rejected and deſpis'd; and his Flatterers, and Deſigners to make him abſolute Maſter of our Laws, Liberties and Lives, may be exempted by him from the danger of Puniſhment, certain Juſtice being to be done upon ſuch Offenders, only upon the Peoples Complaints, and Impeachment of them in Parliament.

If the due Succeſſion of Parliaments be not eſtabliſh'd, ſo as the Kings cannot by any Artifices avoid their meeting, an ill King may, in effect, authorize whom he pleaſes to ſubvert and deſtroy our Religion, Laws and Liberties, by renewing Pardons of all ſuch Crimes as often as they can commit them. I am ſorry to ſay it, but our preſent Caſe is ſuch, that all the Security we have for our Religion, our Laws, our Liberties, our Lives, depends wholly upon the uncertain and hazardous Life of our preſent King, to make good his Declarations and Promiſes to the Kingdom.

Yeom. Sir, you make me afraid that our Country muſt run a deſperate hazard, to have their Government, and all their higheſt Concerns, remain ſtill unſettled for at leaſt another half year. The King, I hear, is going for *Flanders*, not to return till towards Winter; and who can be ſecure of his Life, or the Events of War? and what dreadful Conſequences may enſue in an unſettled Kingdom? Pray, Sir, can you tell me the Reaſon why his Majeſty hath defer'd to make this Settlement of Parliament? What ſhall I ſay to my Neighbors in this Point? *The Conſtitution not ſecur'd without it.*

Kt. Do you expect, my good Neighbour, that I ſhould ſhew you good Reaſons for the King's rejecting of the Bill? If I had known any ſuch Reaſons, or either Houſe of Parliament, we ought not, as his great Council, to have adviſed him to paſs it. We concluded, upon ſolemn Debates, that he was highly concern'd to

have this Bill enacted, to juſtify the Deſign of his coming with Force and Arms to deliver us from Arbitrary Power, and to ſettle our Laws and Liberties. We thought that the Reputation of his Concurrence, with the Advice of the great Council of his Kingdom, oblig'd him to a free Conſent to that Bill, the Expectations of all *Europe* being ſo exceeding great from the Reſults of this Parliament's Counſels, and his Union with them. We believed his Deſire to ſecure to his Subjects their Government by Laws, would have made him glad of the Opportunity of this Bill, leſt any Accident ſhould befal him in this War, and he ſhould loſe the Glory of his Deſign, by leaving them unſettled. We thought it was for his Intereſt to paſs this Bill, to induce the People to pay their great Taxes freely, and to advance them to as great Sums as the Acts of Parliament would allow: It being the antient Courſe in Parliaments, that the Kings always paſs'd ſome Bills for the Peoples Advantage, when they had great Sums of Mony from them. And we thought his Majeſty had the leſs Reaſon to deny his Aſſent to this Bill, in regard it depriv'd the Crown of no legal Prerogative, but only reviv'd and confirm'd the antient Laws of the Realm, than which nothing is more frequent, when wholeſom and neceſſary Laws grow into diſuſe. We alſo conceiv'd that his Majeſty was bound in Honour to make good the Matter of his Declarations, and his ſolemn Promiſes to the People in them, to ſettle their legal Government beyond all Dangers of being ſubverted by ill Princes or evil Miniſters. It ſeem'd to us that his Majeſty's Deſire of being as great and potent as any King that ever poſſeſs'd the *Engliſh* Crown, would have preſs'd him to a Conjunction with the Parliament in this Bill, ſince *Engliſh* Kings can be great only by the wiſe and affectionate Counſels and Aſſiſtance of their Parliaments, who have the abſolute Command of the Wealth of the whole Kingdom.

It was the K's Intereſt to paſs the Bill.

Yeom. Sir, you have been extremely kind in ſhewing me your Opinion of the Importance and Neceſſity of this Bill; but you have not inform'd me of any one Objection made againſt the King's paſſing it. I would gladly know what was alledg'd againſt the Settlement of this Fundamental of our Government.

Kt. It would be uſeleſs to tell you the fallacious Arguments that were brought, to ſhew there was no Neceſſity of paſſing ſuch a Bill in this King's Reign; but all that was ſaid was in ſubſtance no more than, That the Bill took away an undoubted Prerogative of the King's, to call, continue, and diſſolve Parliaments at his Pleaſure; that the Power of the Regal Office would be leſſen'd thereby; and, that it was not fit to ſhew Jealouſy of this King's denying our legal Rights, whilſt he ſo continually hazards his Perſon for our ſakes.

Yeom. Pray, Sir, let me be ſo bold as to ask you how theſe Objections againſt the Bill were anſwer'd: I know 'tis not hard to delude the unlearned Countrymen in Matters of this nature; yet they are not ignorant that it hath been the common Practice of thoſe that have deſign'd our Slavery, to cry up the King's Prerogative, to ſuppreſs the Subjects Claims of their Rights and Liberties. Be pleaſed to favour me with a ſhort account of what was ſaid upon this occaſion.

Kt. As to the firſt Pretence, That the Bill deſtroy'd the Prerogative of the Crown, to call, prorogue and diſſolve Parliaments at their Will and Pleaſure only, it was plainly ſaid, *That there neither is, nor ever was, any ſuch Prerogative, and that there needs no other Evidence of that Truth, than the very Nature and Eſſence of our Conſtitution.* 'Tis a Repugnancy in it ſelf, and downright Contradiction, to ſay, that by our Conſtitution, the Subjects are to be govern'd only by Laws of their own chuſing, and that their Deputies to that purpoſe are to be appointed from time to time by the Subjects, as the Laws ſhall direct, as they reſpectively ſhall attain to Age, and as the Eſtates deſcend, alter and change (all which is known by our common Laws, and fully declar'd in ſeveral * Statutes, and acknowledg'd by all that know our Laws) and then to ſay that our Kings have a rightful Power and Prerogative, either to keep them from meeting, to adviſe about, and chuſe their Laws, or to prevent the ſucceſſive Generations to chuſe their Deputies for that purpoſe, by continuing ſuch as are once choſen ſo long as he or they live.

The Bill not deſtructive of Prerogative.

Yeom. Sir, I thank you for opening of this Point. I ſee it manifeſtly inconſiſtent, that the Subjects ſhould have a Right to be govern'd only by the Laws of their own chuſing in their ſucceſſive Parliaments, and that it ſhould be at the Pleaſure of their Kings, whether Parliaments ſhould ever be holden, or ſucceſſively choſen.

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* *Vid.* 25 *H.* 8. 1 *J.* 1.

Kt. I muſt tell you, that it was further ſaid, that ſuch a Pretence of Prerogative appear'd more vain by the continual Practice of all Ages, concurring with our Conſtitution. The Duty of the Regal Office was ſo notoriouſly known, that whenever our Kings neglected to hold Parliaments to maintain the Government, or diſſolv'd them before due Proviſions made for the Kingdom, it was ſo far from being eſteem'd an Exerciſe of their rightful Power or Prerogative, that it was always adjudg'd Miſgovernment in them : and it appears by our Hiſtories, that fatal Conſequences have thereupon enſu'd.

Yeom. Sir, our Country is bound to pray for all thoſe Gentlemen that have thus maintain'd this firſt Foundation of all our Rights and Liberties, and made it thus plain, that it does not intrench upon the Rights of the King. Yet I muſt tell you, Sir, there are a ſort of People make great noiſe of the Right of the Kings, by their Prerogative, to call and diſſolve Parliaments, and that all Kings have conſtantly done it. Pray, Sir, help us to underſtand what is the Royal Prerogative in this Caſe.

Kt. You ought to know that it is the King's undoubted Prerogative to iſſue out all legal Writs in the Adminiſtration of the whole Government ; and Writs for calling Parliaments being eſtabliſh'd by Law, all Kings, by their Prerogative, called the Parliaments. Tho it was not in their Power to change a Word or Syllable in the form of thoſe Writs, yet the times of ſending out ſuch Writs, and of their Returns within the Limits of the Law, and the Place of the Parliament's meeting, were at the King's Diſcretion ; from whence it might be ſaid to be their Prerogative alone to call them.

The King is oblig'd to call frequent Parliaments.

I muſt further tell you that it ought to be remember'd, that by our *Engliſh* Conſtitution, Parliaments are, and always were to be holden within the Compaſs of certain times, being the Foundation and Eſſence of the Government ; and that it is not in the Power of the Royal Prerogative to refuſe the calling theſe Parliaments ſucceſſively as the Conſtitution intends. The Being or Not-being of ſuch Parliaments is not truſted to the Crown, but the Direction only of ſome Circumſtances about holding them, is left to the Royal Prerogative. But there is alſo a general Truſt plac'd in the Crown, by our Conſtitution, to call Parliaments upon Occaſions and Emergences, when the Safety and Welfare of the Kingdom require it; and for that reaſon, when a poſitive Statute enacted, that a Parliament ſhould be holden once every Year at leaſt, theſe words were therein added, *And oftner if need be.*

Frequent Parliaments part of our Conſtitution.

Now the calling and diſſolving ſuch occaſional Parliaments, is truſted wholly by our Laws to the Royal Prerogative, the Kings are the only Judges of the neceſſity of holding ſuch Parliaments, ſubject always to the Oath of the Crown, to preſerve the Laws and Liberties of the Kingdom.

The Prerogative of the Kings is ſo abſolute about the calling ſuch occaſional Parliaments, that it were highly injurious both to the King and Kingdom to attempt to take it away, or diminiſh it by any Act of Parliament: 'tis as neceſſary to the common Good and Safety, to maintain this Prerogative of the Crown about occaſional Parliaments intire, as it is to prevent the extending the like Prerogative to Parliaments in general ; and a certain prevention of that Miſchief was the only Aim, and honeſt Intention of the Promoters of the late Bill.

Parliaments neceſſary for the common Safety.

Yeom. Sir, you ſo well diſtinguiſh the Powers and Prerogatives of the Crown, that I cannot imagine what could be ſaid to ſhew that this Bill incroach'd upon any of them. I have found, by experience, that thoſe who clamour'd moſt againſt it, for taking away the King's Prerogative, could ſay very little when they were preſs'd to ſpeak particularly. I my ſelf, after my Country-manner, ask'd one of them the other day, whom I heard clamouring, What Royal Prerogative the Bill took away ? Tell me, ſaid I, what Act of Royal Power, poſſible to do any good to the Crown or Kingdom, was propos'd by the Bill to be reſtrain'd ? Is it a Royal Prerogative, to have the very Being of Parliaments, the Uſe of their Authorities, and the Conſtitution it ſelf, abſolutely at the King's Will, againſt which alone the Bill provides ? That the People ſhould never conſult, or provide for the Safety of their Eſtates, Liberties and Lives, unleſs their Kings pleaſe ? Hereupon the Gentleman grew angry, and ſaid I talk'd like a baſe Commonwealths-man. Truly, Sir, it appears to me, that ſome amongſt us hate our Laws and Liberties ; but not daring to ſay ſo, they cover their Malice with Pretences of advancing the Power of the Crown. Theſe Men are better at Railing than Reaſoning, and talk only in Generals, as if they were the only Friends to King *William*, tho they have another Perſon

ſon in their Hearts and Intentions, when they ſeem ſo careful for the Power of the Crown, and cry out, that this Bill leſſens the Power and Dignity of the Regal Office. Pray, Sir, what was ſaid to ſhew the Falſhood of that Suggeſtion?

Kt. This Suggeſtion againſt the Bill appear'd to be ſo far from Truth, that thoſe who objected it, could neither give an Inſtance of any Power belonging to the Regal Office which the Bill reſtrain'd, nor of any one Act propos'd by it to be done by the Kings, unto which they are not oblig'd by Law, and the Duty of their Office without any ſuch Bill. 'Tis a wonder that any ſecret Enemies of our Laws and Liberties ſhould have the confidence to inſinuate, that the Regal Office would be leſſen'd, by a conſtant ſucceſſive electing and holding of Parliaments in a legal Courſe, not to be interrupted by evil Miniſters, or ill Princes; the contrary being indeed manifeſt, that the Honour, Greatneſs and Glory of the Crown can never be in any other manner ſupported, much leſs advanc'd and augmented. It cannot but be clear to every Man, that by ſuch a certain ſucceſſion of Parliaments, the greateſt and wiſeſt of the Kingdom ſhould conſtantly hold their Conſultations to advance the King's and his Kingdom's Intereſt, Honour and Greatneſs, and be enabled to diſcover all Unfaithfulneſs, Failures and Defects in the Adminiſtration of the Government, which may any way derogate from the Security, Potency and Honour of the King.

Calling of frequent Parliaments no leſſening of the Prerogative.

In like manner, all the Forces of the Kingdom, which are ſome hundreds of thouſands, may be apply'd to the King's Service, and every Man of them employ'd as ſhall moſt conduce to the Kingdom's Safety and Honour: And to compleat the Prince's Glory, all the Treaſure and Wealth which theſe Iſlands have gather'd in many Ages from both the *Indies*, and all the Peoples Lands, Goods and Intereſts, would be ſubject to be charg'd, as the Wiſdom of ſuch great Councils ſhould think fit for the Maintenance and Proſecution of any juſt and glorious Deſign.

But 'tis notorious, that none of theſe high Powers and Authorities can be exercis'd by the *Engliſh* Kings in any other manner, than by ſuch a conſtant Succeſſion of Parliaments as the Laws intend; and therefore 'tis evident, that this Bill propos'd the higheſt Advancement of the Regal Office, by making proviſion for the certain holding of ſuch ſucceſſive Parliaments within the Times limited by Law.

Pray, Countryman, let me adviſe you to read your Chronicles at home of our Kings; and you ſhall find, that all thoſe Princes were moſt Great and Glorious, who govern'd by the Counſels of legal ſucceſſive Parliaments; and that thoſe who declin'd it, loſt the Honour and Power of the Nation, and render'd themſelves and their People unhappy.

Yeom. Theſe things being ſo clear, pray, Sir, let me be ſo bold as to ask you, what hath made ſo many Favourites of our Princes diſſuade them from obſerving the Laws for conſtant ſucceſſive Parliaments? and how came our Princes ſo readily to follow thoſe Counſels?

Kt. I could eaſily tell you, if it were fit to ſpeak plain; but in ſhort, the Favourites Power with their Princes is reſtrain'd and leſſen'd by a due courſe of Parliaments, their Corruptions would be liable to be examin'd, and their high ambitious Deſigns defeated. And for the Princes, they are deceiv'd by their Flatterers with a falſe Notion of Power: they are made believe that their Power is leſſen'd, when they are bound by Laws to do themſelves and their People good, tho they were bound to it before by the Laws of God and Nature, and the Laws of the Realm, by which they hold their Royal Offices, and which, at their ſeveral Coronations, they ſolemnly ſwear to obſerve.

Frequent Parliaments leſſen the Power of Favorites.

'Tis hard to perſuade ſome of them, that it is the Glory and Perfection of the Royal Office, to be diſabled by Laws to hurt their People: But if they be truly God's Vicegerents, they ought to remember in their moſt tow'ring ambitious Thoughts, that it is the higheſt Perfection of God Almighty, that he is uncapable of doing ill.

Yeom. Sir, you have ſaid enough to ſatisfy me, that this Bill was not only juſt in it ſelf, but highly neceſſary for the Settlement of the Government, and the Security and Welfare of the Kingdom: But it ſeems ſuch as had a mind to avoid it, urged it to be unſeaſonable at this time; they pretended their Fears, that it might weaken the Reputation of the Union between the King and his Parliament, and occaſion Rumours, that a Parliament is jealous of our King's Compliance with them in ſecuring our Liberties. When they could not reſiſt the Reaſons for the Bill, they offer'd

offer'd at the old Trick in ſuch Caſes, to delay the paſſing it till a better Seaſon. Do you think, Sir, there was any thing of Weight in theſe Pretences, or were they mere Shams?

Kt. If I might, without breach of Privilege, tell you the Diſcourſe in our Houſe of Commons upon this occaſion, you would conclude that thoſe who objected the Unſeaſonableneſs of the Bill, did not believe themſelves, whatever they ſaid to delay the Bill, for fear of a diſguſt between the King and Parliament: That being in truth (after ſo many in both Houſes had appear'd for it) a Reaſon for preſent paſſing it, that the whole World might have been out of doubt of their perfect Union. *The Bill not unſeaſonable.*

But I may freely tell you ſome of the private Diſcourſes amongſt the Members; and in thoſe ſome of us were bold to ask, Whence came the Rumors that the Bill would diſpleaſe the King? and whether any body had Authority to inſinuate to the Members, that the King would have the Bill delay'd as unſeaſonable? But I could hear of none that would own more than their Doubts and Conjectures; which made me ſuſpect that there were ſome ſecret Deſigns to diſſuade the King from agreeing to the Bill, on purpoſe to weaken abroad the Reputation of the King and Parliament's perfect Agreement.

Yeom. What you have obſerv'd makes it appear, that the ſecret Enemies of the Government are ſtill deſigning Miſchief to diſturb the Agreement between the King and his People: But might not this Bill give occaſion to the King to think, that the Parliament had ſome jealouſy of him, that he would not govern by a due Courſe of ſucceſſive Parliaments, according to the Nature and Intent of our Conſtitution?

Kt. Sir, I can readily anſwer you, that if the Time and Manner of offering the Bill be duly conſider'd, with other Circumſtances, there could be no reaſon for the King to harbour ſuch a Thought. Is there any reaſon for a Prince to think his People jealous of him, becauſe they provide good Laws for the ſecuring their Rights and Liberties? Every good Prince ought to be pleas'd to ſee his People careful therein, not only that he might not have it in his Power to wrong them, but that it might not be in any other Prince's Power who may ſucceed him.

Every Prince ſhould be ambitious to have Laws of that kind made in his time, to be laſting Monuments of his Glory, as having given ſuch Securities of Peace and Reſt to his People. It ought to be remembred that our King had invited his People to invent and provide Laws, ſo to ſecure their Parliaments, which is their Conſtitution, and all their Rights and Liberties, that they might never be in danger to be again invaded; therefore he could not think their Obedience to his own Commands ſhould ariſe from a jealouſy or diſtruſt of him. It muſt alſo be conſider'd, that our King hath had large Experience of the Confidence of his People in him: they have by ſeveral Acts, more abſolutely truſted their Perſons, Liberties, and Eſtates in his Power, than was ever done to any former Princes by our Anceſtors in any Age. *Advantageous to the King to paſs the Bill.*

It ought to be eſteem'd the greateſt of all Truſts, that they have patiently born for above four Years, the dangerous unſettlement of their Government in a legal Courſe of ſucceſſive Parliaments: And had his Majeſty unhappily fall'n in the Wars, or otherwiſe, we had been left to the Will of ſucceeding Princes, to conteſt that our Fundamental Liberty, tho it is manifeſt that all the late Miſeries, Confuſions and Blood that have been in *England*, were occaſion'd by the want of that Settlement. Now when the Parliament hath thus highly truſted his Majeſty, can he take it amiſs that they are unwilling to run the hazard any longer, of the like Truſts devolving upon Succeſſors, that cannot be known who they are, or what they will be? *The Government unſettled without it.*

That which was mention'd of his hazarding his Life in the War for our ſakes, is ſo far from ſhewing this Bill to be unſeaſonable, that it is the ſtrongeſt Argument poſſible to have it finiſh'd forthwith while he enjoys the Crown, who hath perſonally renew'd the Original Contract with the People, and is under greater Obligations to ſettle and ſecure the Government, than can be expected to meet in any other Prince.

Yeom. Sir, I can never thank you enough for the Information you have given me in this Matter that ſo nearly concerns our whole Country; yet after all, I know not what to ſay to my Neighbours when I come home, if they ſhall ask me, as I muſt expect they will, why the King did not paſs this Bill? Many of them are as ignorant as I was; and I could have ſtopped their Mouths, by ſaying, that the Bill took

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away part of his Prerogative: but now I am otherwiſe convinc'd, I cannot ſpeak againſt my Conſcience, nor cozen my Neighbours, tho I ſhould be very loth to drop a Word that might leſſen the Country's Eſteem for his Majeſty. Let me beg your Advice what to ſay to them.

Kt. My good Neighbour, I want Advice as much as you, how to ſatisfy thoſe that ſent me to Parliament, about the King's Refuſal of the Bill; yet one thing vexes me worſe, that having been zealous for the Revolution, I know not how to reſtrain, nor yet well to bear the Scoffs of ſome of our Enemies at my Folly. They call to mind that I (ſimple Man as I was) confidently ſaid, that the Government ſhould be reform'd, and our Laws and Libertys fully ſecur'd. They now ask me, Whether I find by Experience a King of our own making more ready to do the People Right, than the old ones that claim'd by Lineal Deſcent? Some of them laugh'd, and told me, that I gap'd for a *New Jeruſalem* to drop from Heaven, wherein there would be nothing but Righteouſneſs; and that the Government ſhould be adminiſtred by none but Men of Virtue and known Fidelity to their Country. They have upbraided me with what I ſaid, That God had ſent us a Prince that would deny his People nothing, but preſſed and conjur'd them to provide moſt effectual Ways and Means for ſecuring their Religion, Laws and Liberties.

Enemies take advantage to reproach the Government by refuſing it.

Yeom. Sir, I ſuppoſe the Gentlemen that talk to you in this manner, have a mind to diſgrace the honeſt Principles that led the People juſtly to reject King *James*, and make you believe that they were cozen'd in thinking that the Security of Religion, Laws and Liberties, or the Reformation of the Government, were ever intended in the Revolution. They would have you believe there was nothing but Ambition and Avarice in the bottom of the Deſign, and that whatever was pretended, the Crown and its Powers were the only things in the Eyes of King *William* and his Followers. They would perſuade you and the People to think, that our Religion and Liberties might be ſecur'd by a Treaty for bringing back King *James*, and that an End may be put to the War thereby, and the People acquitted from the heavy Taxes and Burdens they now lie under. They would impoſe upon you to believe, if poſſible, that he who ſo baſely caſt the People of *England* at the Feet of the Pope, by an *Engliſh* Ambaſſador, and ran the utmoſt Hazards to ſubvert the Proteſtant Religion eſtabliſh'd, ſhould deſire to ſecure our Religion, without pretending to be converted, and be fit to be truſted to defend our Faith; and that he who is known to the whole World to have occaſion'd ſo vaſt an Effuſion of Chriſtian Blood, to enſlave us to his Arbitrary Power, and make himſelf our abſolute Maſter, ſhould be fit to receive Royal Powers and Authorities for the Defence of the *Engliſh* Laws and Liberties.

Kt. Neighbour, you are in the right; but this ſort of Gentlemen dare not, upon theſe Occaſions, argue plainly for King *James*; and I hope that neither the Parliament nor the Country are in much danger by them.

But there are another ſort of Men who enjoy the Powers and Profits of the late Revolution, and highly pretend to maintain it, that upon the Occaſion of this Bill, do ſo pervert the Meaning and Conſtruction of our Laws, and aſſert ſuch dangerous Notions, as really tend to introduce Arbitrary Power and Slavery, if they do not unhappily throw the People upon King *James*.

Ill Notions of the late Reigns ſuggeſted to the King.

Theſe Men make a ſpecious ſhew of their Love to the advancement of the Honour and Greatneſs of the Crown, as if they were their Majeſties principal Friends, tho in truth they are daily undermining their Majeſties legal Title to the Crown, by the pernicious Notions of the late Reigns, which are contrary to the Fundamental Maxims of our Government. They commend and applaud the King's Refuſal of the late Bill, and ſome of them have been ſo bold as to ſay (whether in love to King *William* or King *James* I will not determine) that what the King did therein, was the chief thing that he hath done like a King. He hath ſhew'd, ſay they, that the Being and Sitting of Parliaments, are only Acts of Grace from the Crown; that the People have no other but a precarious Right to them, to have them only at ſuch times, and in ſuch manner, and for ſo long as the Crown pleaſes. Theſe Gentlemen pretend to great Moderation, and privately whiſper to ſuch as they hope to lead, that the Principles of our Government were too ſtrictly and ſeverely laid down in the late Revolution. They ſay, that the Original Contract between the King and the People, ſhould not have been ſet forth as an equal Contract on equal Terms, whereby the Kings were as ſtrictly bound on their part, as the People on theirs; as if each party had no Right to claim a ſhare in the Legiſ-

Calling of Parliaments no act of Grace but of Duty.

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lativePower in Parliament, or any other Adminiſtration of the Sovereign Authority, ſave only by Force of the Contract. No doubt, ſay they, his Majeſty is now advis'd, that the Original of the Legiſlative and Executive Sovereign Power ought to be wrap'd in Clouds, and not expos'd to vulgar Eyes. 'Tis an indecency to have it commonly ſaid of ſo great and almoſt Divine Perſons as Kings, that they receive all that Majeſty and Glory only from their People. It's below, ſay they, the high Regal Office, to have it ſaid by all the People, that their Majeſties muſt, within appointed times, call Parliaments, and let them redreſs the Peoples Grievances as the Laws direct. They praiſe the Wiſdom of his Majeſty's Counſels to refuſe the Bill, and to avoid any further Obligations to the People, than were upon his Predeceſſors. 'Tis fit the Kingdom ſhould as much depend upon his Grace and Clemency for their Parliaments, as upon any others that have ſat in the Throne; and if he had condeſcended to this Bill, the Inſolence of the People, in their demands of their Liberties, might have been inſupportable.

Yeom. Sir, you have taken infinite Pains to inſtruct me; yet I was ſuch a Blockhead, that till this laſt Diſcourſe of yours, I did not apprehend why the King refus'd the Bill; it was hard for me to believe that there is ſo great a Party as now I ſuſpect, that proſecute the ſame Deſigns that were in the late Reigns to enſlave us. I thought that ſuch as enjoy'd great Preferments, Honours and Profits by King *William*'s Election into the Throne, would never have thought to revive the former Deſigns of enſlaving us, by ſetting up Pretences of a Power in *Engliſh* Kings above Parliaments, by Divine Right, antecedent to the Contract between King and People. Tho I am convinc'd there are ſome Men who have ſo far loſt all ſenſe of Honour and Conſcience, that they may be ſtill engag'd in the former pernicious enſlaving Deſigns; yet before this your Diſcourſe, I did not think that any number of *Engliſh* men were ſo corrupted or infatuated as to think, that our whole Conſtitution, our Government by Laws, and all our Eſtates, Libertys and Lives, are holden by the mere Grace and Favour of our Kings. I muſt confeſs you have mention'd ſeveral of thoſe Gentlemens ſeeming Reaſons againſt paſſing the Bill, that are ſpun too fine for our Country Heads. We ſhould have thought that nothing of our Rights could have been too plainly ſet down, when we were to declare, as was done in the Revolution, what are and have been the Rights of us and our Anceſtors, reſerv'd in the very Conſtitution from all Ages. But I perceive that what cannot be deny'd to be the Peoples legal Rights about Parliaments, is deſir'd by that ſort of Men to be conceal'd. They would not have a new Law paſs about holding of Parliaments, leſt this King ſhould have more Obligations upon him to hold Parliaments than ſome of his Predeceſſors: The true meaning whereof can be no more than to ſay, that the King and People ought not to be put in mind how many Laws have been made and renew'd in all Ages for the ſame thing; ſince every body knows, that the new Law hath no greater obligatory Power than any of the former, which his Majeſty and all his Predeceſſors have ſworn to keep and obſerve.

Ill Counſellors about the King.

Kt. You do well to obſerve that the ſecret Enemies of our legal Government, do always avoid the renewing and reinforcing of our antient Laws; they would have them forgotten, or negligently diſus'd and brought by degrees to be eſteem'd obſolete and unneceſſary. Their evil Practice hath been of old to ſlip over the Calling of Parliaments according to Law, pretending there was no great need of troubling the People; and then the omiſſion of one was made a Precedent of doing the like again and again, not only in the ſame King's Reign, but in thoſe of their Succeſſors; and thereby the conſtant Courſe of ſucceſſive Parliaments came to be ſo broken and diſus'd, that the People ſcarce dar'd to demand them as their Right, but rather mov'd for them as Acts of the King's Grace, crying up thoſe for the beſt Kings that us'd them moſt. But, my good Neighbour, you ought to take notice that the true *Engliſh* Patriots always thought it neceſſary to reinforce expreſly, and by name, the principal Statutes that concern'd the Foundations of our Government: and for that Reaſon uſually made, in the beginning of Parliaments, Confirmations of the moſt material Laws enacted in the former, tho not one word was added or diminiſh'd.

The Practices of the ſecret Enemies to the Government.

They have caus'd *Magna Charta* it ſelf to be confirm'd near forty times, not that they thought the Confirmations gave more Force to thoſe Laws, but that the Contracts, Powers, Obligations and Duties of their Princes, and the whole Form of the legal Government might be kept in perpetual remembrance: And to that purpoſe they alſo ordain'd, that the ſame great Charter ſhould be publickly read in full

County ſeveral times every Year. If we would do like our Anceſtors, there is abundant cauſe to inſiſt upon this Bill for ſucceſſive Parliaments, eſpecially upon this Revolution, wherein we have engag'd to God and Man, to re-eſtabliſh our antient Conſtitution, with all our Rights and Liberties.

Yeom. Sir, I am aſham'd to detain you longer, yet your rational Diſcourſe on this Subject does ſo diſquiet my Mind, that I can ſcarce forbear being further troubleſom to you. You have made it apparent, that many of thoſe who pretend to ſettle and ſecure the Kingdom, are contriving how to keep it unſettled: They are ſeeking to bring us into that negligent, looſe, uncertain, arbitrary Courſe of governing that was in the late Reigns, and had almoſt ruin'd the Kingdom. For that purpoſe they endeavour to avoid the Change of Things or Perſons in the Adminiſtration, and to leave every thing doubtful about the Peoples Rights, which thoſe Reigns ſeem'd to call in queſtion. They have avoided the raiſing and vacating all falſe Judgments and Opinions againſt the Peoples Rights, except the Caſes of very few Perſons, wherein the Parliament hath taken care by ſpecial Acts. They imitate the Proceedings in the late Reigns, as if they would make King *William*'s Government as grievous as King *James*'s. I cannot but conclude that 'tis for this reaſon they ſhew their Fears of making a clear and plain Settlement of the Foundations of our Government, in the Courſe of ſucceſſive Parliaments to be holden unavoidably; all the Deſigners to enſlave us having always dreaded ſuch a Settlement for ſeveral Ages.

Kt. I wiſh our Country-men were generally as well inform'd as you are concerning the Party that are ſecret Enemies to our preſent Government, who are ſtriving either to keep the way open for King *James*'s Return, or at leaſt to ſet up his way of governing, or ſomething ſo like it, that the one may not be known from the other.

The great Power of the ſecret Enemies of the Government.

Yeom. Sir, many of our Country-men know well enough this ſort of falſe-hearted men; but they for their baſe Compliances getting up to be our Maſters under King *Charles* and K. *James*, grievouſly oppreſs'd us then, and have now again got ſuch Powers and Preferments, as if they had brought about the late Revolution, and are ſo able to plague, vex and cruſh us as they did formerly, that the Country dares not ſpeak their Minds of them or their Proceedings. But pray, Sir, help me to ſhew my Neighbours how this ſort of Men, in their Deſigns of Arbitrary Power, always ſought to prevent an abſolute Settlement of the legal Courſe of ſucceſſive Parliaments.

Kt. It would require greater Abilities than I have to ſhew what you deſire, by Reflections upon our whole Hiſtory of the Conteſts with the Kings for our Liberties; but I will tell you the Practice in our Times, and thoſe juſt before us. This ſort of Men under *James* the Firſt, made him afraid of the ſitting of Parliaments, as an Eclipſe of his Power; and inſinuated to him, that the calling, adjourning, proroguing and diſſolving of Parliaments, ought to be abſolutely at his Will. They alſo raiſed Diſputes, Whether Parliaments were of right, Maſters of the Methods of their own Proceedings? or were bound firſt to conſider and reſolve upon what the King propounded for Mony, or otherwiſe? By theſe means they made the ſitting of Parliaments uneaſy to him, ſo that he was always glad to be rid of them before the neceſſary Buſineſs of the Kingdom was done.

Attempts by that ſort of Men in K. Ch. I's *Reign upon Parliaments.*

But that ſort of Men appear'd more boldly upon the Acceſſion of *Charles* the Firſt to the Crown. They attempted then to invade the great Fundamental of all Liberty and Property, the Power of the People of *England* alone to impoſe Mony upon themſelves. They had the confidence to maintain a Power in the Kings to take Tonnage and Poundage, and other Monies without Act of Parliament. They cannot deny that theſe were their traitorous Practices and Deſigns, ſo long as the great Petition of Right remains upon Record.

Neither ought it to be forgotten how Parliaments were then brow-beaten, and their Authority queſtion'd and ſlighted, and the Method of their Proceedings controul'd, contrary to their Fundamental Rights and Privileges, nor how they were toſs'd up and down by ſudden Adjournments, Prorogations and Diſſolutions. The Houſes, Studies, and Pockets of divers of their Members were ſearch'd, their Perſons againſt the expreſs Laws impriſon'd, and the free Debates in Parliament made ſubject to the reſtraining Power and Cenſure of inferiour Courts and Judges. The King's ſpecial Command and Pleaſure were declar'd Cauſe ſufficient to detain ſome of them in Priſon till death, without Trial, or being legally accus'd of any Offence. Yet this ſort of Men thought all theſe Practices could not ſecure them, till

till they brought that King to reſolve to have no more Parliaments, and to forbid the People, by Proclamation, to make mention of Parliaments.

We ought to call to mind, that for ten or twelve Years after, all the Counſels of thoſe Deſigners againſt our legal Government, were imploy'd to invent Ways to make the Conſtitution of Parliaments uſeleſs, and the Crown wholly independent upon the People in Parliament for Supplies and Aids. Such were the Inventions of Loan-Mony, Privy-Seal-Mony, Knighthood-Mony, Coat and Conduct-Mony, arbitrary Fines without Juries for Encroachments upon the King's Waſtes, Ship-Mony, Billet-Mony, oppreſſing Monopolies, and illegal Patents upon Trades, almoſt without Number. Such alſo was the Commiſſion paſſed the Great Seal, to impoſe, by pretence of Royal Authority, an Exciſe, tho the Illegality and Oppreſſion of it were ſo manifeſt, that a ſufficient number of Perſons could not be ſuddenly found to put it in Execution. All Projects were embrac'd that had but an Appearance of ſupplying the Crown, that they might avoid the neceſſary Settlement of ſucceſſive Parliaments.

Endeavours to make Parliaments uſeleſs in that Reign.

The laſt moſt dangerous and deſperate of their Deſigns of that kind was, upon ſome pretence from *Ireland* or *Scotland*, to get an Army, and ſettle Martial Law, that might raiſe ſuch Mony as a Council ſhould think fit, and make Proclamations and Orders of State to be as binding to the Subject as Acts of Parliament. Yet even that was embrac'd, as appears by the Journals of the Commons in Parliament: Monſieur *Burlemach* there openly confeſſing, that he had receiv'd thirty thouſand Pounds which was ſent over Seas, to hire *German* Horſe to be the Foundation of a ſtanding Army here.

I could tell you, Neighbour, that during all theſe Tranſactions, which laſted divers Years, their Counſels and Endeavours were to divert the King from admitting the legal Courſe of Parliaments. The Petitions and Cries of the Subjects to reſtore them, could not be heard; and Agreements were made between the King and ſeveral Perſons of greateſt Abilities and Influence, in order to the arriving at abſolute Power, that there ſhould be no more Parliaments during his Life. Nevertheleſs about the Year 1639. the King's Want of Mony being extremely preſſing, they reſolv'd to make uſe of a Parliament for Supply, but without a Thought of doing the Kingdom Right, in reſtoring the due Succeſſion of Parliaments, and the Exerciſe of their legal Authorities: and therefore as ſoon as they were met, they procur'd the King to demand of them their giving up their legal Fundamental Privilege, of conſidering in the firſt place, and redreſſing the Peoples Grievances; and the King ſo poſitively inſiſted in denying them their Right and Privilege therein, that within twenty Days they were diſſolv'd, contrary to the known Intention and Ends of our Conſtitution.

Abſolute Power aim'd at.

The Failure of the Peoples Expectation at that time, and the long Interruption of the legal Courſe of Parliaments, rais'd great Diſcontents, and loud and general Cries of the People for Parliaments; the Conſequences whereof were ſuch, as I dread and abhor to remember: yet it was univerſally agreed, That the want of the legal Courſe of ſucceſſive Parliaments, and the Deſigns of interrupting and preventing their meeting and ſitting, were the great occaſions of all the Confuſion, Blood and Miſchief, that afterwards happen'd. And no doubt but the Parliament then took the only wiſe and neceſſary courſe to prevent all the impending Miſchiefs and Dangers, both to the King and People, when they labour'd, with the help of the beſt Lawyers of *England*, to declare and ſecure the Obſervance of the antient Laws for annual ſucceſſive Parliaments; and to provide for their certain meeting, and holding them, notwithſtanding all poſſible Deſigns and Contrivances againſt them: Which was done to the great Satisfaction of the People, by that notable Act of the 16*th* of *Charles* I.

Long Intervals of Parliament one great Reaſon of Complaints in K. Ch. I's Reign.

Yeom. Sir, let me be ſo bold as to ask you, whether that Act for aſcertaining Parliaments did not occaſion, or ſome way promote the Tumults and Wars that enſu'd?

Kt. You may eaſily be ſatisfy'd from what was written in thoſe times, of the Falſhood of ſuch Suggeſtions, and that the King, Lords and Commons paſs'd that Act with great Unanimity; and that King often glory'd in having paſs'd that Act for the Security of his People: but I believe you confound the Act for Triennial Parliaments, with another Act for making the Parliament then in being, in a manner perpetual; for they were not to be diſſolv'd or prorogu'd, but by their own Conſent, declar'd by Act of Parliament. That Act dict did in truth derogate from the King's Prerogative in diſſolving Parliaments; and whatſoever Miſchiefs might,

or did thereupon enſue, ought to be imputed to the Alteration made thereby of our Conſtitution, or Monarchy, not to the juſt and ſtrict Obſervance of our Laws and Statutes, for which the Act of Triennial Parliaments made proviſion.

Friends to arbitrary Power always Enemies to Parliaments.

Yeom. Sir, I know there is a common Miſtake about thoſe Acts of Parliament, and that occaſion is taken by ſome from the Confuſions in Government that ſoon after happen'd, to impoſe upon the People falſe Notions about the Authority of Parliaments, and to frighten them from demanding and inſiſting upon their conſtant ſucceſſive Elections, as the Laws appoint. 'Tis notorious, that thoſe who deſign arbitrary Power are always buſy in ſuch Matters, and in unworthy Reflections upon Parliaments. But pray, Sir, let us paſs by that dark time of the civil Wars, and ſee what the ſame ſort of Men have done about Parliaments, after the Return of King *Charles* II.

The Practices of the ſame ſort of Men in K. Ch. II's Keign.

Kt. They purſu'd the ſame Deſigns of ſubverting our Conſtitution as to Parliaments, but took Meaſures quite different from thoſe before us'd to effect it. They remembred the ill Succeſs of all Projects and Monopolies, and Pretences of Prerogative to ſupply the Government with Mony. They had found and felt by Experience, that a free Parliament could not be aw'd, and that the People in the Intervals of Parliament would not be forc'd to pay Taxes, that were not legally impos'd upon them: yet there was an abſolute neceſſity for the Crown to be ſupply'd with Aids from the People, without which it could not ſubſiſt, great part of the Crown-Lands being waſted and ſquander'd away in the two preceding Reigns. 'Twas therefore reſolv'd to attempt that by Fraud, which they could not compaſs by Force; and in order thereunto they took the Advantage of the preſent Temper of the People, which carry'd them, without conſidering what the Conſequences might be, to every thing that was agreeable to the Court. They recommended ſuch to be choſen Members of the Houſe of Commons, whoſe Fortunes had been moſt impair'd in the late Wars, and whoſe Dependance upon the Court might incline them to a Compliance with whatever ſhould be demanded of them; and theſe good-natur'd Loyal Gentlemen repeal'd the Act of the 16*th* of King *Charles* I. for Triennial Parliaments, whilſt a few worthy Patriots labour'd in vain to defend it. 'Tis true, they pretended in the Act, by which this Statute was repeal'd, to aſcertain the frequent holding of Parliaments; yet it left the King at liberty to continue the ſame Parliament as long as he pleas'd, and that King accordingly continu'd that ſame Parliament near eighteen Years: all which time they could not be ſaid truly to repreſent the People of *England*, many of thoſe who choſe them being dead, and others were either grown up, or had purchas'd Eſtates, whoſe Opinions both of Perſons and Things might be much chang'd from what the Senſe of the Nation was when that Parliament was firſt call'd. But having got a conſiderable Party in the Houſe of Commons, they labour'd to confirm and increaſe it. Places and Penſions were liberally beſtow'd on all that could be brought over to them: and 'tis no wonder they gave ſuch prodigious Sums of Mony out of the poor Peoples Purſes, when a great part was again to be refunded into their own, This ſcandalous Proceeding was manifeſt, and confirm'd by the open Confeſſion of a Gentleman (thro whoſe Hands much publick Mony then paſs'd) in the Houſe of Commons the next ſucceeding Parliament, who there acknowledg'd his paying annually many and great Penſions to Members of Parliament.

How the long Parliament in K. Ch. II's time was choſen, and what they acted.

Penſions to Parliament-men own'd to be paid in the Reign of K. Ch. II.

Beſides thus corrupting thoſe already in the Houſe, there was neither Pains nor Mony ſpar'd to get their Friends choſen where any Vacancy happen'd; inſomuch that the Court ſpent 14000 *l.* at one Election of a Burgeſs for *Northampton.*

14000 l. ſpent at the Election at Northampton.

Yeom. Sir, you have fully ſatisfy'd me that the Miniſters in that Reign were as bitter Enemies to the *Engliſh* Conſtitution about Parliaments, as thoſe in the two former that went before it; but their Meaſures are more dangerous and likely to ſucceed; and it was God's great Mercy that theſe Hirelings did not enſlave us, as it were by our own Conſent, and by colour of the Authority we had given them for our Preſervation.

But pray, Sir, what was the meaning of the great Buſtle all over *England* about Charters? What made the Court ſo mightily labour to perſuade all Corporations to ſurrender their old Charters, and take new ones from the King? Was not that done with a deſign to influence the Elections of Members to Parliament?

Kt. Yes moſt certainly, and this was a more pernicious and dangerous Deſign than any put in practice in the former Reigns. This ſtruck at the very Root of all the Liberties of *England*, that the People ſhould never again have a free Parliament choſen

choſen according to the Conſtitution; but ſuch Men impos'd upon them, as would ſervilely comply with the Court in all their Meaſures to enſlave us. They corrupted ſome in every Corporation to perſuade the reſt to ſurrender their Charters; and where they could not prevail by Intreaties, theſe wicked Inſtruments in ſeveral Towns, broke open the Trunks wherein their Charters were kept, and ſtole them away to deliver them up. Where this could not be done, they brought *Quo Warranto*'s againſt the Charters of almoſt every Town in *England*, that has a Right to ſend Members to Parliament; and by means of corrupt Judges, declar'd them void, upon ſome Pretence or other, that the preſent Magiſtrates had acted beyond, or contrary to the Powers granted in them, and thereby forfeited all their Rights and Privileges. New Magiſtrates were plac'd thereupon in thoſe Towns, ſuch as they could moſt confide in; and ſuch Clauſes were inſerted into their new Charters, as put the Choice of their Repreſentatives in Parliament abſolutely for the future into the Power of the Court. *Practices upon the Corporations.*

Yeom. Sir, I am infinitely oblig'd to you for your Pains and Kindneſs, in ſhewing theſe things to me; but I ſtand amaz'd to think, that there could be ſo many *Engliſh-men* found in every Reign, to join in carrying on this continu'd Deſign to ſubvert our Conſtitution, and enſlave us. What preſent Advantage could delude and tempt them? they themſelves, and their own Poſterity muſt be involv'd in the ſame Miſery and Ruin they endeavour'd to bring upon others.

Sir, I have treſpaſſed too long upon your Patience, and ſhall not therefore trouble you further about their Deſigns under the late King *James* (thoſe being moſt excellently laid down and made manifeſt in his Majeſty's Declarations, when Prince of *Orange*, publiſh'd upon his coming into *England*) but upon the whole 'tis moſt plain, *That neither we nor our Poſterity can be ſafe in our Religion, Laws and Liberties, till we obtain an abſolute Settlement of the legal Courſe of ſucceſſive Parliaments.*

Kt. I will only tell you one thing more, Neighbour, before we part, That thoſe Kings, who endeavour'd to ſubvert the Conſtitution as to Parliaments, were always embroil'd with their People about Rights and Privileges; and that when once the People had diſcover'd theſe Deſigns in them, tho they call'd many Parliaments, yet the ſame Jealouſies continu'd, and they never after came to a good Underſtanding, or had a mutual Confidence in one another.

Our Hiſtories declare the Truth of this Obſervation in many former Princes Reigns, ſo that I hope the King will avoid a Rock that hath been fatal to all who have ſtruck upon it; and I am confident that his Majeſty will do all that a good King and honeſt Man can do, to reſtore to us our Conſtitution, having in his Declaration call'd God and Man to witneſs, *That was the Deſign of his coming hither.*

The Charge of the Right Honourable HENRY *Earl of* WARRINGTON, *to the Grand Jury at the Quarter Sessions held for the County of* Cheſter, *on the* 25th *Day of* April, 1693.

Gentlemen,

A Panegyrick on Liberty.

'TIS a very common Saying, that Intereſt will not lie; and yet, if you conſider it, you will find that there is ſcarce any thing more difficult than to perſuade People to their Intereſt: a thing mightily to be wiſh'd, becauſe if it were univerſally underſtood and practis'd, it is the thing of all others, that will make this World a happy Place.

For then there would be no need of Laws and Magiſtrates to preſerve Peace and Good Order, by reaſon that every Man would be reſtrain'd by that Law within himſelf, which is the Foundation of all other Laws, I mean that Principle of Reaſon and Juſtice with which he is born.

But when Man fell from his primitive Innocency, he loſt that Guide which ſhould happily have conducted him thro this World; and inſtead of following the Dictates of his Reaſon, he ſuffer'd himſelf to be led away by his Paſſions; and without any regard to Juſtice made his Self-Intereſt the Standard of his Dealings with others, which is the direct way to ruin that which he aim'd at: for if a Man acts without regard of Juſtice to others, he hath little reaſon to expect that Juſtice ſhould be done him: For why ſhould he imagine that others ſhould take care to do him Right, who hath no other Conſideration but for himſelf? So that in point of Intereſt as well as Juſtice, every Man ought to have a mutual regard to the Good of each other: but becauſe it is ſo intirely neglected, therefore were Laws made to withhold Men from committing thoſe Acts of Injuſtice and Violence, which their own Conſciences tell them ought not to be done.

Self-Intereſt the Cauſe of much Miſchief.

From this deprav'd Inclination do proceed all thoſe Diſturbances and Diſorders that infeſt any Government, and have often been fatal to the whole Conſtitution; there having at all times, and in all places, been found thoſe who have been diſpos'd to ſacrifice their Liberties and civil Rights, to ſerve the Deſires and Luſts of arbitrary Princes.

Liberty a valuable thing.

'Tis ſurely a great Sickneſs of the Mind, when a Man gives up his Birth-right in exchange for ſomething elſe that depends upon another Man's Breath; and he muſt be beſides his Wits, who little eſteems his Liberty, which is the thing that chiefly diſtinguiſhes him from a Beaſt: for when a Man is a Slave, he muſt ſubmit his Will and Reaſon to the Humour of him who governs him; and then what difference is there between him and a Brute, only that his Condition is the worſe of the two?

If no body but themſelves were to feel the Effects of their ſervile Compliances, the matter would not be much if they periſh'd by their own Folly: For why ſhould they expect to thrive better than *Eſau* did, who ſold his Birth-right to ſave his Life, and therefore inſtead of a Bleſſing receiv'd a Curſe? For can they who reject God's Mercies, hope to intail a Bleſſing upon their Poſterity? Theſe are the ſour Grapes that ſet the Childrens Teeth on edg; for tho the Father may be ſo fortunate as to go to his Grave in his Prince's Favour (a Happineſs to which few have attain'd, who have purchas'd it by being falſe to their Country) yet it is a dangerous Experiment for their Poſterity, to whom there is ſeldom left any thing more than to inherit the Wind.'

Now if the Miſchief of this Time-ſerving had ended with this ſort of Men and their Poſterity, the Complaints againſt it might have been buried with them and their

their Families; for his Infamy ought to be had in remembrance ſo long as the Sun and Moon endure, who is the Inſtrument of his Country's Ruin: For by this Treachery have whole Kingdoms been brought to Deſolation, which were before in a flouriſhing Condition; as namely, where Juſtice was duly executed, full Employments for all Hands, a quick Trade, no ſort of complaining in the Streets; but every Man ſat with Security and Pleaſure under his own Vine. *The Miſchiefs of ſervile Compliances.*

This is ſo deplorable a Change as no Tongue is able to expreſs; then let every Man conſider it in his own Thoughts, and he will diſcover how valuable a thing his Liberty is, even preferable to any thing elſe this World affords. For Liberty is the Foundation of Vertue and Induſtry; what doth any thing elſe ſignify without it? For when that is gone, as our Lives and Fortunes depend upon another Man's Pleaſure, ſo we hold our Religion as precariouſly; becauſe a Prince can impoſe upon Slaves what Religion he pleaſes. *France* is ſo pregnant an Inſtance of this, that it puts the thing out of diſpute: for whilſt the Proteſtants kept their Liberty, all was well with them; yet no ſooner was that wreſted out of their Hands, but it was quickly ſeen what became of their Religion. And therefore I have always thought that they began at the wrong end, who reckon themſelves out of all other Danger whilſt they enjoy'd the Exerciſe of their Religion. *Liberty preferable to any thing.*

It will not be deny'd but that Liberty is a great Security to the free Exerciſe of Religion: but if our Civil Rights are aſſaulted, I do not ſee by what means Religion can reſcue them out of violent Hands; becauſe there are many Inſtances where Religion has been us'd as a Stalking Horſe to introduce Slavery. For did ever any Man pretend to have a greater Concern for the Church than *Charles* the Second? and yet no Man more deſign'd the Ruin of the Nation than he did: which Example may occaſion the People to ſuſpect ſome Deſign upon their Liberties, when the Prince pretends the greateſt care for Religion, unleſs he be a Man of great Morality, and that Religion appears in his Life and Practice, as well as in his Words and Promiſes; for it is ſcarce poſſible to enſlave a free People by down-right Force, and therefore they muſt be gull'd out of their Liberties by Art and under-hand Practices; and there cannot be a better blind than a pretended Care for Religion, to keep the People from obſerving what is deſign'd againſt them. *Liberty a Security for Religion.*

So that if any thing is worthy of their Care, it is their Liberty; and in doing ſo, you do the part of Loyal Subjects and good Chriſtians: whereas by the Neglect of it you expoſe every thing that is valuable; and you alſo lay a Snare in the way of your Prince, by tempting him to think of that which otherwiſe might not have come into his Thoughts. And this Care is never to be neglected, not even when every thing goes to their Hearts Deſire, leſt whilſt you ſpeak Peace to your ſelves, there comes upon you ſudden Deſtruction; for a Deſign is more likely to take effect when People ſuſpect no ſuch thing, than when they ſtand upon their guard.

There are many ways of working People up into a Security, of all which Promiſes are the moſt fatal; for without Performance they become Snares: and therefore it is upon Actions, and not upon Words, that a wiſe Man will ground his Belief or Opinion. Conſider what is done, and not what is ſaid: For whoever he be that is ſo wicked as to have a Deſign of enſlaving the Nation, will ne'er make a Difficulty of promiſing very largely.

If then we ought to take care of our Liberty, how ridiculous is it to talk of ſerving the Crown, when by that is meant to make the King's Will and Pleaſure the Meaſure of their Obedience? It muſt be a mere nonſenſical Boaſt to talk at that rate, when they have ſtript themſelves of the means of ſerving like rational Creatures; for when Men have given up their Liberty, what does all their Service to the Crown differ from that of a Beaſt? The Service that we do to our Prince ſhould be like that which we render unto God, not a forc'd and conſtrain'd, but a free and reaſonable Service. *Serving the Crown, what it is.*

So that I think I may ſay, that he who hopes to recommend himſelf to his Prince's Favour by ſuch a piece of Service, muſt needs be a very profligate Wretch, and believe his Prince to be altogether ſuch a one as himſelf; for ſuch a Deſign is altogether unlawful, becauſe it is deſtructive to the Nature and very End of Government, contrary to the King's Coronation Oath, inconſiſtent with Reaſon, and a Violation of that Truſt and Confidence which the People repoſe in the King. For, as I take it, the Power that is lodg'd in the Crown is only a Truſt, and nothing more; for he muſt have that Power either as a Truſt, or as a Property; and if he hold it as a Property, then no Bounds or Limits can be ſet to it, and he may uſe it as to him may ſeem moſt meet. *Power in the Crown is only a Truſt.*

What

What will the Laws then ſignify? To what purpoſe is the Coronation-Oath, and all thoſe other Cautions that are taken to oblige the King to govern according to the Laws and laudable Cuſtoms of the Realm?

Depoſing of Princes for acting arbitrarily, uſual.

Then every Prince that hath been depos'd for committing Violences and Oppreſſions, was highly injur'd, for there could be no other Standard of Right and Wrong, but that of his Will and Pleaſure. But it is a common Practice to depoſe Kings, when they become a Burden to the People, that being the proper and only Remedy in ſuch Caſes: For let any Man tell me if he can, whether the Liberty that remains in the World, hath been, or can be preſerv'd by any other means than by that Power that is veſted in the People, of laying aſide ſuch Kings whoſe Adminiſtration becomes exorbitant; for the Number of ill Kings hath ſo much exceeded that of the good, that Liberty had been even before this day ſwallow'd up by Prerogative, without ſome ſuch check and controul: and becauſe ſo very much Good or Hurt is in the Power of the Prince, therefore the Value of a good Prince is ineſtimable.

The Bleſſing of being deliver'd from an oppreſſing K.

To be deliver'd out of the Hands of an oppreſſing King is a great Mercy; yet when ſuch a Prince is put into the Hands of any People, it is ſeldom improv'd as that Mercy ought to be; for *Tacitus* makes this Obſervation upon the Fall of *Nero*, that the firſt day after the Reign of a Tyrant is always the beſt. This is a great Truth, and a Rule that yet hath no Exception.

For this ſeveral Reaſons may be given: for generally the People are ſo tranſported upon being eas'd of their Burden, that they neglect to make ſuch Proviſions as are neceſſary to prevent the like Irregularities for the future; either from a Belief that no other Man will be wicked to the like degree, or elſe from the fond Opinion that they conceive of him who was the chief Inſtrument of their Deliverance; truſting that the ſame Principle of Honour and Juſtice that incited him to ſtand up in their Defence, will prompt him to do all thoſe things that are needful to ſettle the Government upon a laſting Foundation: which was ſomething our Caſe upon the Reſtoration of King *Charles* the Second, only with this difference, that inſtead of repairing the Breaches which his Father had made, the miſtaken Loyalty of the Age help'd to make them wider.

Another Reaſon for *Tacitus*'s Obſervation may be this, Becauſe he that is the chief Inſtrument of their Deliverance, altho he appear'd very zealous on their behalf, yet he aim'd at nothing but getting the Crown; as it was when the *Dauphin* of *France* came over to aſſiſt the Barons againſt King *John:* His Declaration was full of nothing elſe but the *Engliſh* Liberties, and yet it afterwards appear'd, that his Deſign in aſſiſting them was only to get into the Throne, and not to eaſe the Nation's Oppreſſions. So that in ſuch Caſes a Revolution does the People no good; for he that hath got the Crown, thinks that whatſoever is done for the Good and Security of the People, is ſo much Loſs to him of what he hop'd to get by coming over.

Engliſh Libertys when pretended to be aim'd at.

A third Reaſon may be this, Becauſe he may preſume upon the good Opinion the People have of him, ſuppoſing that they will put the beſt Conſtruction upon all he doth, and look upon thoſe things to be but Miſtakes, and the Conſequence of the want of true Information, which are the Reſults of a form'd Deſign.

Or elſe, becauſe he may imagine, that altho he doth to a great degree act over the part of him who was thruſt out of the Throne, yet the People will not feel the Laſh ſo ſenſibly, becauſe it comes from his Hand. This, whenever it happens, is a thing of ſo foul a Complexion, that it deſerves as ill a name as can be given it, and yet I fear there do not want Examples of it.

It is a Miſtake, and a dangerous one too, to conſider the Perſon more than the Thing that is done; as if the Perſon made the Thing better or worſe than it otherwiſe would be. Men indeed differ from one another, and yet do the ſame thing in different Ways and Manners; but yet every thing is ſtill the ſame, whoever he be that doth it. If there be any difference, it lies in this, That the better Reputation he hath who doth any thing that is ill, ſo much the greater is his Reproach, eſpecially if it be a thing that he hath reprov'd and puniſh'd in another. This judging the Thing by the Perſon, is that by which Men commonly deceive themſelves ſo very much, or elſe they would make a righter Judgment than for the moſt part they do.

How happy is that Prince then whilſt he is on this ſide the Grave, and how glorious will be his Memory, who is not afraid or ſhy even to have his Actions examin'd, that Mankind, as well as his own Conſcience, may bear him Teſtimony, that he governs according to Law, and makes the Good of his People the End of his Government?

Before

Before I proceed any further, I would be rightly underſtood in what I have already ſaid; becauſe poſſibly either thro Miſtake, or thro Malice, ſome may infer, that I would perſuade you to take more Care of your Liberties, than of your Religion, by reaſon that I have ſaid ſo much of the former. But far be ſo Atheiſtical a Thought from me, I bleſs God it never yet enter'd into my Heart: Altho I am not ſo Religious as I ought to be, yet I think our Religion to be more valuable than any other thing whatever; for if God ſhould take away the Light of his Goſpel from us, it would be the ſevereſt Judgment that he could viſit us with: and therefore I have preſs'd you to take care of your Liberty, as the ſureſt means by which you can preſerve your Religion; and in ſo doing, I conceive I have ſhewn a Zeal for rather than a Neglect of it.

Miſtakes remov'd.

Nothing more valuable than Religion.

It is to be wiſh'd by all thoſe who deſire the Peace of their Country, that Religion were more in faſhion among us than it is; for no Nation did ever thrive where it was neglected: and it is to be fear'd that God will have a Controverſy with this Land, if Swearing and Drinking, which are now become ſo common, be not ſpeedily ſuppreſs'd, and the corrupt Manners of the Nation reform'd.

National Vices reprov'd.

But before I ſpeak more particularly upon them, give me leave to obſerve ſomething to you upon two Things which are very injurious to Religion, and yet are done out of a pretended Care and Tenderneſs for it.

The firſt is, when Proteſtants break into ſeveral Sects and diſtinct Congregations, and not being content with worſhipping God in their own way, are uneaſy at all others who follow not with them: Every one being ſo much aſſur'd they are not miſtaken, that they will not allow any but themſelves to be in the Right, and therefore leave the excellent Rule of Charity, to follow a blind Infallibility.

Charity in matters of Opinion.

'Tis true indeed, whilſt we are upon Earth, we ſhall have different Sentiments and Opinions, and it is not poſſible for us to help it, becauſe our Reaſon is too ſhort-ſighted and purblind; but yet we may all agree to have a mutual Charity for one another, and then every Man will be the better for his Religion, and no Body will be the worſe for it: For otherwiſe, inſtead of promoting Religion, we eat out the Bowels of it; that is, we deſtroy that Charity, without which we cannot enter into the Kingdom of Heaven. But, alas! it is come to this, that one is for *Paul*, another for *Apollos*, and another for *Cephas*. One asks of ſuch a one, Is he a true Son of the Church of *England?* A ſecond inquires, Whether he be of ſuch a Congregation? A third demands to know if he follows ſuch a Man? If ſo, all is well, and with them he muſt paſs for a good Man, without examining into his Life and Morals.

Different Sentiments in Religion how to be born with.

But what doth all this amount to? Am I the better for being of ſuch a Man's Opinion, or of ſuch a Communion, unleſs I am a Doer, as well as a Hearer of the Word? Or what is another Man the worſe, becauſe he is not of my Opinion, if he lives a better Life than I do?

This Zeal for a Party, is a Zeal rather to be reprov'd, than to invite others to the Practice of it; for it is not an Argument of Religion, but a Sign of Phariſaical Pride, when a Man is uneaſy with another, becauſe he worſhips God in a Way different from him: for if any Man deſires to live as becomes the Goſpel of Jeſus Chriſt, and to that end doth daily try and examine himſelf, he will find himſelf to be more amiſs therein, than he can diſcover in others; and therefore to lead a good Life is the beſt Argument that any Man can uſe to perſuade another to be of his Opinion.

Zeal for Parties diſcommended.

The next thing which is injurious to Religion, is, when the Diſcipline and Government of the Church interfere with the State; breaking into the Methods and Foundation of it, to advance the Power and Greatneſs of the Clergy.

This ſoon becomes miſchievous to Religion: for as it doth in no ſort promote God's Glory, or tend to the reforming of Mens Manners; ſo when the People find their Liberties crouded, to make Elbow-room for the Clergy, and that the Government of the Church will help to make them Slaves, they will be very apt to abhor the Offerings of the Lord.

And therefore in all well-regulated Conſtitutions, the Government of the Church is moulded according to the Principles upon which the Civil Government ſtands; for if the Church were to model the State, Chriſt's Kingdom would be of this World, which he hath expreſly told us it is not.

Principles of Church and State conſider'd.

Are not that People then in a ſad Condition, when that which is amiſs in the State, muſt not be reform'd, for fear of hurting the Church, as ſome do vainly pretend?

This I ſay, becauſe I am afraid it is ſomething our Caſe at this time; and ſo the Nation muſt languiſh, to ſatisfy the Imaginations of ſome People who are afraid of their Shadows.

Hurting the Church an imaginary Fear.

For how the Church can be hurt by any Laws that concern the State, is not eaſily to be comprehended, if thoſe Laws eſtabliſh no other Goſpel than that which was deliver'd by our Saviour.

Nothing can hurt the Church but it ſelf, and it is never in more danger than when it is in its greateſt Pomp and Grandeur.

Little Religion in many who baul moſt for the Church.

The Deceit of this is very plain; becauſe they that baul moſt of the Danger that the Church is in, have the leaſt of Religion in their Lives: for thoſe who live, and underſtand better, ſee the Folly of it, as alſo of that Doctrine of Paſſive-Obedience and Non-reſiſtance, which many cry'd up as the Corner-ſtone of the Church; a Burden which they were forward to lay upon other Peoples Shoulders, yet when it came to their own Turn, none were ſo uneaſy under it as they. For when their Rights came to be touch'd, no mens Mouths were ſo full of Liberty and Property as theirs; but now that the Storm is pretty well blown over, they are angry that that Liberty is granted to others, which yet they promis'd to conſent to, and are return'd to where they were, in ſupporting that arbitrary Doctrine. And to that end, they are inventing new Titles to the Crown for this King and Queen; which plainly demonſtrate what ſteddy Men theſe are, ſince in the late Times they would not allow any Title to be good but Succeſſion; yet now they can ſubmit to any other, how contrary ſoever to Succeſſion, provided they can thereby keep up this arbitrary Doctrine, and get their own turns ſerv'd.

And firſt, they find out for this King and Queen a Title by *Conqueſt*.

Their Majeſties Title is not by Conqueſt.

I hope theſe Gentlemen are miſtaken: For if the Caſe be ſo, we are all Slaves; and inſtead of being rid of arbitrary Power by this Revolution, we have help'd to ſaddle and bridle our ſelves to no purpoſe: for People that are conquer'd, hold all that they have at the Will and Pleaſure of him who did ſubdue them.

But how were we conquer'd? Did the Nation conquer it ſelf? If it did, it was an odd thing, and altogether wicked. Or who were conquer'd? not they who actually appear'd in Arms againſt King *James*, nor thoſe who wiſh'd him ſomewhere elſe, and that was by much the greater part of the Nation.

This is ſo ſenſieſs a Notion, that it only ſerves to diſcover the Ignorance or Knavery of thoſe who go about to maintain it: And I ſuppoſe we ſhall hear no more of it, becauſe the Lords and Commons in Parliament by an unanimous Vote have condemn'd it.

The next thing talk'd of, is God's Ways of diſpoſing of Kingdoms; whence they would pretend, that the King and Queen receiv'd the Crown from God Almighty's immediate Donation.

How a Crown is from God,

It is Blaſphemy to exclude the Power of God in any Caſe; and to exclude the People from having had an immediate Hand in beſtowing the Crown, is a new and unintelligible ſort of Politicks: for the Drift of this Notion is to make us Slaves, by reaſon that whatſoever is the immediate Act of God, and a Declaration of his Pleaſure, Man hath nothing more to do but to yield an intire Obedience and Submiſſion to it; ſo that when a King receives his Crown immediately from God, any Proviſions or Limitations that can be made by Men, come too late to circumſcribe his Power.

And how from the People.

But is this our Caſe? Which way did God declare it that this Man ſhould reign over us? or who foreſaw upon what Head the Crown would be plac'd, till the Lords and Commons came to a Reſolution in it? And therefore it will follow, that the King and Queen receiv'd their Crown from the Hands of the People upon ſuch Terms as they gave it, and God hath not done any thing to exempt them from the Performance of thoſe Conditions.

However, there are thoſe who hop'd to have made their Court to their preſent Majeſties by ſtarting and maintaining thoſe two Notions, *viz.* of Conqueſt, and of God's Ways of diſpoſing Kingdoms: With what Succeſs, I leave to every Man's Obſervation, and ſhall only ſay this, That it will be a happy Age when Kings are ſo much diſpos'd to the Good of their People, that ſuch Flatterers will meet with no Encouragement from them.

Debaucheries inveigh'd againſt.

I come now to ſpeak of Swearing and Drinking, and I do believe that the horrible Profanation of God's moſt holy Name was never ſo common as in this Age. That great and dreadful Name, before which we ought to fear and tremble is us'd with more Familiarity than the meaneſt thing you can think of. It is a very unfor-

unfortunate thing, whenever we take the Name of God irreverently into our Mouths, altho it happen'd when we are under ſome Provocation; yet it adminiſters Cauſe for Humiliation, and a more narrow Obſervation of our ſelves for the future, but is in no ſort a Juſtification of us. Therefore to fill their Mouths with tremendous Oaths, when they are cool and in temper, and to ſwear in common Diſcourſe, is a dreadful Hearing; and really it is come to that paſs, that Men don't think they expreſs themſelves well and modiſhly, unleſs they interlard every Sentence with an Oath or two; and that which is ſtrangely ridiculous, is, that ſome cannot ask another Man how he does, without wiſhing his own Damnation.

How this is to be remedy'd, is the Queſtion; for ſince it could not be prevented from going to the height to which it is now got, it will be ſo much the more difficult to ſuppreſs it; for if in any Caſe it can be ſaid that the number of Offenders is too big for the Law, it muſt be allow'd to be ſo in this.

The Law hath provided very well for the Puniſhment of ſuch as offend herein, by the Statute of 21 *Jac.* 1. *c.* 20. to forfeit twelve pence an Oath. If this were duly put in Execution, I am perſuaded it would work a great Cure; theſe cuſtomary Swearers would with more warineſs open their Lips, when they found that their Oaths coſt them ſo dear; and I am the rather of this Opinion, becauſe I have obſerv'd that when a common Swearer is in the preſence of any Perſon, whoſe Authority or Quality hath an awe over him, ſcarcely an Oath ſlips from him, tho he ſpeaks ever ſo much.

And therefore it is very much to be wiſh'd, that Magiſtrates would more ſtrictly inform themſelves of ſuch as offend herein, and give them that Puniſhment which their Offence deſerves.

Drunkenneſs to be redreſs'd.

The next thing is the Sin of Drunkenneſs, which calls aloud for Redreſs; it being now ſo common and univerſal, that People of all Ages, Sexes and Conditions, are infected with it to that degree, that it is become the Reproach of the Nation, which is now as remarkable for this Sin, as it was for the Excellency of our Government during the Reign of Queen *Elizabeth*. And it may be obſerv'd, that from the time that this Government began to decay, this beaſtly Cuſtom firſt took its Riſe; I mean, when Queen *Elizabeth*'s Eyes were clos'd: for from that time hath this Government declin'd, as if ſhe had been alone the Life and Soul of it; and that when ſhe died, it expired with her. For the firſt Statutes now in force for the puniſhing of Drunkenneſs, were made in the Reign of K. *James* I. and therefore it is more than probable, that till then this Vice was not grown up, to any conſiderable ſize at leaſt.

Laws againſt it.

'Tis very ſtrange, that Men cannot enjoy one another, without making their Converſation to become a Sin; and that when People meet to be merry, they think they have left their Work unfiniſh'd, unleſs they transform themſelves into Beaſts: and ſo great a Force and Power it hath upon many, that they chuſe rather to be cloth'd with Rags, than to keep from the Spiggot; it hath brought many a Man to a Morſel of Bread, who was well to live before he fell into that ſottiſh Courſe. It is not for want of a ſufficient Puniſhment that it is grown to ſo great a height; for by the 4 *Jac.* 1. *cap.* 5. he that is drunk forfeits five Shillings, or for Refuſal, or want of Ability to pay it, to be ſet in the Stocks ſix Hours; and for preventing of ſuch Intemperance, by the ſame Statute it is provided, That he who remains Tipling and Drinking in any Inn, Victualing-houſe, or Ale-houſe, ſhall forfeit 3 *s.* and 4 *d.* or be put into the Stocks for four Hours.

Statutes againſt Drunkenneſs.

By the ſame Statute it is provided, That he who having been convicted of Drunkenneſs, ſhall be again convicted of the like Offence, ſhall be bound to his good Behaviour.

Not put in Execution.

How the Law comes to lie aſleep I know not, for a Law without Execution is but ſo much Ink and Parchment; and I cannot imagine wherefore no more are puniſh'd than there are, conſidering how vaſt a Multitude there be who offend herein: unleſs it be becauſe the thing is become ſo common, that People do not look upon it as an Offence; or elſe becauſe the Infection is ſo general, that Men think it unreaſonable to have another puniſh'd for that of which he is guilty himſelf.

But I am ſure there ought to be a Reformation, becauſe the Honour of God ſuffers ſo extremely by it; and upon a political Account it ought to be ſuppreſs'd, becauſe as whole Families are impoveriſh'd and ruin'd by it, ſo Mens Bodies are enfeebled by it, and rendred unfit for Labour, and the Service of the Publick.

Inns, Ale-houſes and Victualing-houſes, are for the relief of Way-faring Men and Travellers, and ſuch others as cannot otherwiſe ſupply themſelves with Meat

and Drink; and not for harbouring of leud and idle People, to conſume their Time and Mony in Debauchery, as is declar'd by the Statute of 1 *Jac.* 1. *cap.* 9.

The Gains which are earn'd by relieving ſuch Perſons as the Law allows, are honeſt and juſtifiable; but a Curſe moſt foul and wicked what is now uſually gotten by Inns and Ale-houſes, who can ſuffer People to be drinking together in their Houſes till unſeaſonable Hours in the Night; nay, even on Sundays, and that too during the time of Divine Service and Sermons: and there to ſpend their Mony and precious Time, when at the ſame time they know that their Families at Home are ſtarving for want of it.

The Licences given to Ale-houſes on condition.

Did Tipling-Houſes conſider what a Risk they run, ſurely they would take more care; for when they receive their Licences to ſell Ale, they enter into a Recognizance with Sureties to keep good Order in their Houſes, as appears by the Statute 1 *Jac.* 1. *cap.* 9. Every Inn-keeper, Victualler and Alehouſe-keeper, forfeits ten Shillings that ſuffers any to ſit Tipling in their Houſes except Travellers, or ſuch as have not the Convenience of Eating and Drinking elſewhere.

By the Statutes of 7 *Jac.* 1. and 21 *Jac.* 1. *cap.* 7. 'tis provided, That any who ſhould offend againſt the ſaid Statutes made againſt Tipling and Drinking, ſhall be diſabled for three years from ſelling of Ale; and beſides, a Conviction in any of theſe Caſes, is a Forfeiture of the Recognizance which they enter into when they are licens'd to ſell Ale: ſuch Care hath the Law taken about them; but things are at that paſs now, as if Drunkenneſs were no Offenee at all, or that there was no Law to puniſh it.

I cannot but obſerve to you, how Providence hath order'd things for the Puniſhment of Ale-ſellers almoſt in their own way; for tho Quartering of Soldiers, without Satisfaction to the Houſes, is a very illegal and arbitrary Practice, yet it may in ſome ſort be juſtify'd as to them, they receiving thereby that Meaſure which they have meted to others.

Theſe two Things, Gentlemen, I do the more eſpecially recommend to your Enquiry, becauſe they do ſo immediately concern the Honour of God, and the Peace and Happineſs of the Publick.

The Charge to the Jury.

Beſides them, whatſoever is an Offence againſt the publick Peace falls within your Enquiry; and I believe you ſo well know them already, that I will not take up your time in repeating of them; nor will all that you, or any of us can do, ſignify much till Debauchery is ſuppreſs'd, and the Manners of the Nation are reform'd.

Whilſt we bid God defiance with our Lives and Converſations, we cannot hope for Succeſs either in our Fleet or Army, let our Courage and Conduct be ever ſo great, and tho the Supplies we gave to carry on the War were much greater than they are. And if we will not take warning in time, but go on from Sin to Sin, this War, by which we hope to ſecure Peace to our ſelves and our Poſterity, may prove our Ruin, by ſpinning it out ſo long, till the Purſes of the People are ſo drain'd, and the Nation ſo impoveriſh'd, that it will be an equal choice whether we have Peace or War, being either way expos'd to the like Inconvenience.

There is ſome great Let or Hindrance lies in the way of our Happineſs, or elſe why do we at this day ſtand looking upon one another, like the Sons of *Jacob*, as if we were at our Wits end, not knowing what to think or expect, notwithſtanding the great Deliverances that God hath wrought for us? For we have been wonderfully preſerv'd, but not by our own Wiſdom or Conduct; for we have made no other uſe of thoſe ſeveral Advantages which God hath put into our Hands, but as if we expected that he would repeat his Miracles to preſerve us.

Ill uſe made of God's Favour to this Nation.

Wherefore he hath ſo ſignally appear'd on our behalf, no Man can determine, yet a Gueſs may be made: for if his Mercies have their proper Effect upon us, by turning us from the Evil of our Ways, he will then do more and greater things for us; but if we make him no other Return for all his Benefits, than that of an unthankful and hardned Heart, then hath he ſhew'd theſe great Signs amongſt us, that he might be juſtify'd when he judges, and we be condemn'd out of our own Mouths; which God of his Mercy prevent.

And to that end let every Man do his Duty at all Times and in all Seaſons, and mind the Publick more than his own particular Advantage; let neither the Frowns nor Favour of Men, tho e'er ſo great, draw us aſide, and then we ſhall ſee Peace in our *Iſrael.*

I doubt not, Gentlemen, but you will do your Parts; and therefore this is all I have to trouble you with at this time.

An

An ANSWER to the late K. James's *laſt Declaration,*

Dated at St. Germains, April 17. *N. S.* 1693.

IT ſeems we are yearly to expect a new Declaration of the late King, and every one of them is to be of a quite different Strain from another. In that publiſh'd the laſt year, King *James* was pleas'd to pull off the Mask, and give us his own genuine Intentions what he had a mind to do with us, when once he came to be our Maſter. Then he was firmly reſolv'd, 'to remount the Throne by 'force of Arms, and to ſap its new Foundation with *Engliſh* Blood. This Kingdom was adjudg'd a *Hecatomb* to his Revenge; and indeed the whole Nation was by a fair conſequence excepted out of his Indemnity, and nothing but Axes and Gibbets were to atone for the Wrongs we had done him; but now it's thought fit the Mask ſhould once more be put on, and the Thunder of the laſt Year be huſh'd up in the ſerene Temper of this. Here he 'deſires rather to be beholden to his 'Subjects Love to him, than to any other Expedient whatever, for his Reſtoration. But the laſt year he was to uſe no gentler methods to regain us, 'than a *French* Ar-'my lent him by his deareſt Brother the *French* King; that is in plain Engliſh, He was to render us Slaves in the Right of Conqueſt. A wonderful change in Stile! and the firſt Eſſay in Politicks of a new Miniſtry at *St. Germains.*

K. James's Intentions.

But good God! What a low Opinion muſt the Contrivers of this Declaration entertain of the whole Nation of *England*, if they imagin'd in good earneſt ſuch a groſs Sham could take with them! When theſe Kingdoms have ſo ſeverely felt the Overthrow of their Laws, Religion and Liberties, brought upon them in ſpite of the moſt ſolemn Promiſes, and the Sanction of an Oath to the contrary; when an unexpected Providence had broke the Yoke from off our Necks, and ſecur'd to us all thoſe valuable things we were upon the point of loſing for ever, by changing our King, without changing the Line or the Monarchy; to imagine that after all this, they can be wheedled to truſt the ſame Prince once more with their All, merely becauſe forſooth he, or ſome body in his Name, emits a kind of faint Promiſe to do otherwiſe than we know to our fatal Experience he did before, is at the ſame time to ſuppoſe this Iſland to be inhabited by a Herd of Brutes, and not reaſonable thinking Creatures.

The Abſurdity of his Pretenſions

I challenge all the late King's Declaration-makers, and even the ſuppos'd Contriver of this laſt, for whoſe Parts I have a juſt Eſteem, to give me but one ſingle Inſtance from Hiſtory, 'That ever a free People, who from a juſt and recent ſenſe of 'an Invaſion made by a limited Monarch upon their Laws and fundamental Conſti-'tution, had thereupon withdrawn their Allegiance from him, and confer'd it up-'on another, did ever afterwards willingly and tamely ſubmit to his Government 'again. No, there is not one Inſtance of this kind in all the Records of time: For tho ſcarce one Age has paſt without ſome remarkable Revolution in Kingdoms and States; yet a thing of this nature was never yet heard of ſince the World was.

No Inſtance of ſuch a Return again.

This appears one of the moſt univerſally receiv'd Principles of human Society, Never to truſt the Promiſes of one that has broke with us before; eſpecially if thoſe former were back'd with the religious Sanction of an Oath. To break thro this Principle in ſome trivial matter, may be perhaps pardonable in a Philoſopher, or ſome good-natur'd Man that ventures thereby no more than what he is content to loſe.

But

K. J's Promiſes no ground for his Return.

But to ſubmit the deareſt and moſt ſacred things that a Man can poſſeſs on Earth, the Liberties, Laws, and fundamental Conſtitutions of his Country, all that either he, or his Children after him, can call or wiſh their own: To ſubmit all theſe, I ſay, to a few feeble Promiſes of one that has broke to us much more ſolemn ones before, were a Madneſs that never a Nation under Heaven was yet guilty of. As it is the eaſieſt thing in the World to promiſe largely, when a Man finds it his Intereſt ſo to do; ſo it is ordinarily the laſt Refuge weak Minds have their recourſe to, when all other means of Compulſion or Perſuaſion fail. But at the ſame time, he that threatens highly, when he thinks he has power in his hands to make his Threats good, and comes thereafter to cajole with ſoft Promiſes of good Treatment, when that Power is gone; one muſt diveſt himſelf of all common ſenſe, if he believe that that Man's Mind is really chang'd for the better, and does not aſcribe the change of his manner of treating with us, to the change of his Fortune.

The Deſign of the French landing laſt year.

To bring this cloſe to King *James*'s Caſe: Laſt Year all things were in a readineſs in *France* for a formidable Deſcent upon us, and indeed it was within an ace of taking effect. We were every minute in hazard of ſeeing a *French* Army land upon our Coaſts, and King *James* with them. Matters were ſo ripen'd for them in the neighbouring Kingdom, that an Inſurrection was to break out there, as ſoon as they ſet foot aſhore here. In a word, the great Deſign of carrying a War into the Bowels of this Iſland by the Power of *France*, in conjunction with our Malecontents at home, was well enough laid, and wanted but little of Execution. Then was a time for a generous Prince to tell the People of *England*, 'He deſir'd rather 'to be beholden to his Subjects Love, than to any other Expedient whatſoever for 'his Reſtoration. This had look'd plauſible indeed, and one would have been tempted almoſt to believe he was in earneſt. But alas! the late King thought there was no Obligation upon him then to hide or diſſemble his Intentions. Buoy'd up with the hopes of an infallible Succeſs, he ſpoke his Mind plain out, and in his Declaration at that time emitted (to which I refer the Reader for brevity-ſake) he talk'd in a loftier ſtrain from *St. Germains*, and his Camp in *Normandy*, than ever yet he had done at the top of his Glory at *Whitehall*. Full with the mighty things he was to do at the Head of a *French* Army, he was pleas'd not to treat with us, but to treat us as Slaves he had a mind to conquer with the Sword. Nor could we have expected higher Language, if we had been already lying groveling at a Conqueror's Feet.

But, God be thank'd, the Scene is much alter'd with reſpect to King *James* ſince laſt Year: All the Deſigns of the *French* Court for this Year are level'd elſewhere, and we know of no Preparations for invading *England* this Summer. *Scotland* has not only put it ſelf into a poſture of Defence, but the whole face of Affairs there is wonderfully chang'd by this Seſſion of Parliament for the better, and the late King's Party ſufficiently humbled. It's from the conſideration of this change of Affairs in *England* and *Scotland*, the late King has been induc'd to change his Stile; and to this alone, inſtead of the Threats of the former, we are beholden for this laſt whining Declaration.

But to come to the Declaration it ſelf, to let the World ſee how little we fear its being capable to influence any body of common ſenſe to their Party; we ſhall give the expreſs words of it Paragraph by Paragraph, with ſome ſhort Reflections on every one of them.

His Majeſty's moſt Gracious Declaration to all his Loving Subjects.

JAMES R.

Declarat. 'WHEREAS We are moſt ſenſible that nothing has contributed ſo much 'to our Misfortunes, and our Peoples Miſeries, as the falſe and malicious 'Calumnies of our Enemies.

Strange! Might not one have reaſonably expected, that in four years Retirement the late King ſhould have been able to attain the Knowledg of the real Cauſes of his own Misfortunes and his Peoples Miſeries? And is he yet to learn what all *Europe* is long ſince ſufficiently perſuaded of? If he has, we have not yet forgot the Breach of reiterated Promiſes, and a Coronation-Oath, the ſetting up a Diſpenſing

penſing Power above, and contrary to Law; the bringing over an Army of *Iriſh* Papiſts amongſt us; the employing thoſe, and almoſt only thoſe that by Acts of Parliament were incapable; the turning Men out of their Freeholds for not obeying Commands directly contrary to an Oath they had taken before; the endeavours made, and methods us'd, for overturning the Religion eſtabliſh'd by Law, and bringing in another by the ſame Law aboliſh'd: with a thouſand other bare-fac'd Violations of our Rights and Conſtitution. All theſe were not the Calumnies of his Enemies. No! it was under thoſe real and felt Evils we groan'd in the laſt Reign: And to a wilful and form'd Deſign of bringing all theſe and more upon us, King *James* is only to aſcribe the loſs of Three Crowns.

'Therefore we have always been, and ſtill are moſt willing to condeſcend to *Declarat.*
'ſuch things, as after mature deliberation We have thought moſt proper for re-
'moving thereof, and moſt likely to give the fulleſt Satisfaction and cleareſt Proſ-
'pect of the greateſt Security to all Ranks and Degrees of our People.

What a wonderful ſtock of Confidence was there requir'd to pen this one ſingle Period? A Period, which tho conſiſting but of two Lines, yet contains no leſs than ſix Superlatives to make up an Aſſertion that all *England* knows to be falſe. Has the late King been always moſt willing to condeſcend to ſuch things as were thought moſt proper, and moſt likely to give the fulleſt Satisfaction, and cleareſt Security to his People? What then meant his ſtiff denial to comply with a Parliament that had expreſt the firmeſt Loyalty to him in his greateſt Exigence, when they came only to addreſs him with all Expreſſions of humility, *not to break in upon the Law, by employing thoſe whom the Law incapacitated?* Why ſent he that Loyal Parliament a packing immediatly upon the back of this Addreſs; and told them plainly, he would do the quite contrary to what they advis'd him? Was this to be moſt willing to give the fulleſt ſatisfaction to his People?

No truſting to K. J's Promiſes.

Inſtances of the violation of them.

When he would needs invade the uncontroverted Rights of *Magdalen College*, there were not wanting ſome, even then, to adviſe him of the danger and illegality of that Deſign. How willing he was to hear any Terms of Moderation in that Affair, all the World knows; and the thruſting out the Maſter and Fellows of that Houſe, merely becauſe they would not comply with an illegal Command, is not yet quite loſt in the memory of Man. The ſending the Biſhops to the *Tower* was another convincing Evidence of his being always moſt willing to give the cleareſt proſpect of the greateſt ſecurity to all Ranks and Degrees of People. And to add one Inſtance more to a great many others that might be nam'd, His refuſal afterwards to call a Parliament upon the Addreſs of the Lords Spiritual and Temporal in his greateſt Exigence, and when his own Affairs moſt requir'd it, did ſcarce beſpeak him a Prince moſt willing to give his People ſatisfaction. So that if one had been to adviſe the Contrivers of this Declaration which way to make the whole look more ridiculous, it had been to put in this Period, That he *ſtill is moſt willing* to ſatisfy all Ranks and Degrees of People, in the ſame ſenſe he has *always been ſo*, which we are very inclinable to believe; and ſo in that Point we are agreed.

Magdalen *College.*

'And becauſe we deſire rather to be beholden to our Subjects Love to us, than *Declarat.*
'to any other Expedient whatever, for our Reſtoration; We have thought fit to
'let them know before-hand our Royal and Sincere Intentions; and that when-
'ever our Peoples united Deſires, and our Circumſtances give us the opportunity
'to come and aſſert our Right, we will come with the Declaration that follows.

JAMES R.

The Writer has ſtumbled here upon two unlucky Expreſſions, *Our Sincere Intentions*, and *our Peoples United Deſires*. When he fell upon the firſt, it ſeems he had in his Thoughts how naturally the People of *England* would be inclin'd to doubt the Sincerity of thoſe Promiſes he makes them in the late King's Name; and even the very moment the Words were dropping from his Pen, he himſelf was thinking how little Credit they would obtain. By this he can ſcarcely be judg'd a fit *Amanuenſis* for a King. It is infinitely below the Majeſty and Honour of a Monarch to uſe the word *ſincere* in ſpeaking of his Intentions. Among Gentlemen, the interlarding their Diſcourſe with ſuch an Expreſſion, *As what I ſay is true*, is not faſhionable; for the very ſaying ſo, derogates from that juſt ſenſe every virtuous

His Intentions not ſincere.

tuous Man has of his own Honour and Veracity, which puts him beyond the ſuſpicion of telling an untruth. But for a Miniſter to tell the People in his Prince's Name, That his Maſter's Intentions towards them are *ſincere*, is yet more ridiculous, by how much more the Word of a Prince ought to be more Sacred, and leſs liable to be ſuſpected than that of private Men.

The other Expreſſion, *The united Deſires of his People*, is as unluckily choſe: If the late King come not to aſſert his Right till his Peoples *United Deſires* give him an opportunity, we are in no great danger of ſeeing him in *England*, or of making a trial how far he has a mind to keep his Word. *United Deſires* is a very comprehenſive Word; and it muſt be ſome Ages hence that ſuch a thing can happen: For it will be hard enough for the Teeth of one Age at leaſt, to eat out the Remembrance of the late Reign; and while that is not forgot, there is no great probability of the People of *England*'s Uniting in their Deſires to bring back King *James*.

All that we have hitherto given of the *Declaration*, being it ſeems intended only for a Preface to another within the Belly of it; the other follows thus:

Declarat.

JAMES R.

'WHEN We reflect upon the Calamities of our Kingdoms, We are not 'willing to leave any thing unattempted, whereby We may reconcile our 'Subjects to their Duty: And tho we cannot enter into all the particulars of Grace 'and Goodneſs, which we ſhall be willing to grant; yet we do hereby aſſure all our 'loving Subjects, that they may depend upon every thing that their own Repre'ſentatives ſhall offer to make our Kingdoms happy. For we have ſet it before our 'Eyes, as our nobleſt Aim, to do yet more for their Conſtitution than the moſt 'Renown'd of our Anceſtors; and, as our chiefeſt Intereſt, to leave no umbrage 'for Jealouſy, in relation to Religion, Liberty and Property.

Who the Authors of our Calamities.

King *James* has all the reaſon in the World to reflect upon the Calamities of theſe Kingdoms, ſince he was ſo very careful to bring them upon us. The Calamities we groan'd under in his Reign, have been hinted at before. Where to lay the Cauſes of the Calamities of this Reign (which we believe is principally, if not only here meant) is worthy of our enquiry; and we need not go far to find them out. It muſt be acknowledg'd, that War in it ſelf deſerves well the name of a Calamity, and a great one too: But this we are at preſent engag'd in, is a War of Neceſſity, and to ſave us from Calamities vaſtly greater than it ſelf. It's a War for Defence of our Country, our Religion, our Liberties, and all that can be dear to us in the World; all which muſt ſtand and fall by the Succeſs of it. If the exorbitant Greatneſs and Power of *France* ſhould happen to prove fatal to us in the upſhot (which Heaven forbid) we know whom to thank for it: And all *Europe*, even thoſe of the late King's Religion, lay both it and all the direful Effects of it, with heavieſt Execrations, at his door. It's a Truth as conſpicuous as a Ray of the Sun, That the two great Deſigns which took up the Thoughts of a certain Prince, both before and after his Acceſſion to the Throne, were, *How to make* France *Formidable abroad, and theſe three Nations Slaves at home.* It's only in theſe two Noble Deſigns he can yet be call'd a *Succeſsful Prince*; and for the firſt, inſtead of a Sanctuary in *France*, he deſerves well the beſt Province of that Kingdom.

He tells us, *He is not willing to leave any thing unattempted, whereby he may reconcile his Subjects to their Duty.* So we find neither foul nor fair Means have been neglected, that's certain. Sometimes we have been try'd with Threats, and now there's another trial how far Promiſes may work upon us. Sometimes the late King has a mind to reconcile us to our Duty by an Army of *French* and *Iriſh*; even thoſe generous Gentlemen that have ſignaliz'd themſelves in their own Country for their ſingular kindneſs to thoſe of our Religion: And ſometimes when the other fails, he deſigns *to be beholden only to his Peoples Love for his Reſtoration*, and to come over, it ſeems, with only a few *that ſhall be thought neceſſary to attend his Perſon.*

No Submiſſion due to him.

But we are fairly told, We have been, and are ſtill out of our Duty; otherwiſe there were no need of *Reconciling us to it.* That is in plain *Engliſh*, We are in his ſenſe a pack of Villains and Traitors, *that would not tamely ſubmit our Religion, Laws and Liberties to be overturn'd at his Caprice, nor yield up our ſelves Slaves at diſcretion; but quite contrary, either concur'd with, or accepted of our Deliverance when Heaven was pleaſed to bring it home to our Door.* By this we may clearly judg of the late

late King's Opinion of us, and be better able to make a ſhreud conjecture of the ſincerity of his Intentions towards us. In this word *of Reconciling us to our Duty*, is ſtill the old Paſſive-Obedience Principle trump'd upon us, which was once within an ace of ruining us all. And King *James* being ſtill of Opinion, that we fail'd in our Duty when we left that Principle; it was not only altogether needleſs for him to make all thoſe Promiſes, but we are Knaves if we receive him not again without them; ſince according to that Doctrine we are oblig'd to ſubmit to him to day, tho we were ſure he would ſell us all for Slaves to morrow.

K. J. refus'd to be adviſ'd by his Parliament.

We are told, *We may depend upon every thing that our Repreſentatives ſhall offer to make us happy.* How willing the late King was to grant what our Repreſentatives did offer to him for our neceſſary Security only, I have mention'd before. He kick'd them out of doors merely becauſe they preſum'd humbly to adviſe him to govern according to Law; that is, *To employ only thoſe the Law capacitated for Employments.* With what ſort of Repreſentatives he aim'd afterwards, during the whole Courſe of his Reign, to fill St. *Stephen*'s Chappel, *The Regulations of Corporations, the Cloſetings of Members, the Queſtions put to almoſt every Man in* England *that had a Voice in Elections*; and all the reſt of the Means us'd to get a pack'd Houſe of Commons, were too publick witneſſes. So that indeed King *James* may ſafely enough promiſe to grant what our Repreſentatives ſhall offer, if he means ſuch Repreſentatives as thoſe whom he once minded to palm upon the Nation.

No Expectation of any good from K. J's magnificent Promiſes.

But he tells us, *He has ſet before his Eyes as his noble Aim, to do yet more for our Conſtitution than the moſt renown'd of his Anceſtors.* This is not the firſt time we have been told ſo: And indeed theſe words appear to come of courſe; for in a Speech he made to the Parliament in *May* 1685. he thought fit to tell them, 'That he 'pleas'd himſelf with the hopes, that by God's Bleſſing, and their Aſſiſtance, he 'might carry the Reputation of this Nation higher in the World, than ever it had 'been in the Time of any of his Anceſtors. The truth is, it was a ſevere proof enough of our Faith even then, to believe the Days of King *James* the Second ſhould come to eclipſe thoſe of *Edward* the Third or *Henry* the Fifth, and it will be yet much more ſo now. Every body was at that time upon the enquiry, How his late Majeſty's Hopes were then grounded, and what were the wonderful Steps by which he expected to arrive at ſo high a pitch of Glory. We have been ſufficiently enabled ſince to unriddle the Myſtery: For inſtead of Conqueſts abroad, which have render'd the Reigns of ſome of his Anceſtors ſo illuſtrious to Poſterity; he had hopes to perpetuate the Memory of his, by much more remarkable, and in his opinion much more glorious Conqueſts at home, even thoſe he had a mind to obtain over our Laws, Religion and Liberties. Neither in this Deſign was he altogether inexcuſable; ſince upon his Principles, to ſubdue the Northern Hereſy carry'd more of true Glory along with it, than the Conqueſt of ever ſo great a part of the World. If then he unluckily fail'd at that time to ſurpaſs the Renown of his Anceſtors, by making the Conqueſts I have hinted at, it's not to be doubted but he will puſh the harder for it the next time we give him an opportunity of doing it.

Declarat.

'And to encourage all our loving Subjects, of what degree or quality ſoever, 'to ſet their Hearts and Hands to the perfecting of ſo good a Work, and to unite 'themſelves in this only means of eſtabliſhing the future Peace and Proſperity of 'theſe Kingdoms, We have thought fit to publiſh and declare, That on our part 'We are ready and willing wholly to lay aſide all thoughts of Animoſity or Re'ſentment for what is paſt; deſiring nothing more, than that it ſhould be buried in 'perpetual Oblivion.

Acts of Oblivion offer'd by K. J. conſider'd.

They muſt indeed be *his loving Subjects* that ſet their Hearts and Hands to the perfecting the Work of the late King's Reſtoration; for none that have a true love for their Country will venture upon it. If this Work of reſtoring him to the Throne, be *the only means of eſtabliſhing the Peace and Happineſs of theſe Kingdoms*; then Popery and Slavery muſt be quite other things than we took them to be. We fondly imagin'd our Lives and Eſtates could not be better beſtow'd than in warding off thoſe two from our ſelves, our Country and Poſterity. But now our late Declaration-makers have found out the Secret; for inſtead of being ſuch frightful things as we believ'd, they are the only Means to eſtabliſh our Peace and Happineſs; and indeed they, and the reſtoring of King *James* are reciprocal, and muſt of neceſſity go hand in hand together.

'He is ready and willing to lay aside all Resentments for what is past, desiring 'nothing more than that it should be buried in perpetual Oblivion. It's hop'd we may without offence believe him *to be willing to lay aside all Resentments*, in the same sense as we believe him *to have been always most willing to condescend to such things as might give full satisfaction to his People*; and the rather, that in believing this last, we arrive at the highest pitch of Faith, even that of believing against Sense. But does he really desire that all that's past should be buried in Oblivion? Certainly he has all the reason in the World so to do; and they deserve to be branded for Fools that doubt his Sincerity in that Point. But tho the late King should, yet it's hop'd the People of *England* are not yet willing to bury in Oblivion what is past. The sense of the Hazards they were in, was too great to be so soon forgot: And yet we are heartily content they should be no otherwise remembred, than as the ship-wreck'd Mariner retains the Impression of the Shelve on which he once was in danger to split; that is, in order to shun it for the time to come.

Declarat. 'And do therefore by this our Declaration, under our Great Seal, solemnly promise our Free Pardon and Indemnity to all our Loving Subjects, of what Degree 'or Quality soever, who shall not by Land or Sea oppose Us, and those we shall 'think necessary to accompany our own Person in this just Attempt to recover our 'Right; or (in such a number of days after our landing, as we shall hereafter 'express) shall not resist those who in any parts of our Dominions shall, according 'to their Duty, assert and maintain the Justice of our Cause: Beseeching God to 'incline the Hearts of our People, that all effusion of Blood may be prevented, 'and Righteousness and Mercy take place. And for that end, We further promise 'to all such as shall come to, and assist us, That We will reward them according 'to their respective Degrees and Merits.

Indemnity promis'd by K. J. in order to his Restoration examin'd.

Here is a touch of that mighty Act of Indemnity we are to be blest with, upon the late King's Restoration. An Indemnity which it's hop'd we shall never stand in need of, and yet one express'd in such words as would stand us in no stead, tho we should come to plead it. He pardons all but such as *shall oppose him by Sea or Land.* A comprehensive Exception, and full as wide as that Universal one mention'd in his Declaration last Year. The word *Oppose* may receive a thousand different Interpretations from the Bench; and God have mercy on us if ever it come to that! For the late King was always careful enough to pick out Judges sufficiently inclin'd to put what Interpretations on Words or Things best pleased their Master. However it be, we know above One hundred thousand People excepted by this Clause at one blow, all our Army by Land, and all our Fleet at Sea: They will certainly fall under the word *Oppose*, tho they should never strike a stroke in the Quarrel; the receiving a Commission to oppose him among the rest of their Majesties Enemies, will admit of no favourable sense in the Case. How far all the rest of the Nation may fall under the Exception, we need only stretch the meaning of the word a little to find out: and indeed they will all go near to fall under the same Category with those that appear in Arms against him; for there is an *opposing* him in the Parliament-House, in the Pulpit, in one's Chamber, and in a thousand other ways, which a clear-witted *bene-placito* Judg can easily find out.

As to his Promise of *Rewarding those that shall come in to him*, he has been always very careful that no body should have cause to repent their good Service to him. Witness the Parliament that had stuck so close to him in the Affair of *Monmouth*'s Insurrection, whom he turn'd out of doors when the Danger was over; and the Prelates of the Church of *England*, who had adher'd to his Interest in the Matter of the Bill of Exclusion, upon whom afterwards he put all the Affronts that were in his power: And, in fine, witness a great many Protestants that had serv'd him effectually against *Monmouth*, in keeping the Crown on his Head, whom he afterwards turn'd out of their Employments, to make way for his rascally beloved *Irish*.

Declarat. 'We do further declare, That we will with all speed, call together the Re-'presentative Body of our Kingdom; and therein will inform our selves what 'are the united Interests and Inclinations of our People; and with their Concur-'rence will be ready to redress all their Grievances, and give all those Securities of 'which they shall stand in need.

What

What ſort of Repreſentatives the late King aim'd at when he ſat on the Throne, we have hinted at before: They were only ſuch as would break in upon our Laws and Conſtitution, to favour thoſe that were deſign'd to be our Executioners, at leaſt the Inſtruments of our Slavery. A Principle to have ſuch and only ſuch Repreſentatives, was ſo rooted in the Breaſt of that Prince, that even when the greateſt Danger came afterwards to threaten him, he could not bring himſelf to the Temper of calling any other, tho moſt of the Lords Spiritual and Temporal beg'd him earneſtly ſo to do, as the only means to ſettle the then troubled ſtate of his Affairs. The Difficulties that then environ'd him, forc'd from him indeed a faint kind of compliance with their Deſire at firſt; he made a ſhow of iſſuing out Writs for calling a Free Parliament: but ſo ſtrong was his Inclination to have none but ſuch a pack'd Houſe of Commons, as might ſerve the Great Turn he had ſo long aim'd at, that before half the Writs were ſeal'd, all the Scheme was alter'd in a moment, and things went on in the old Channel again. Here was a Demonſtration with a witneſs, how far the late King was inclin'd to *call together the Repreſentative Body of the Kingdom:* And he that could not be brought to it at ſo pinching a Juncture as that was, can never in reaſon be thought a hearty Friend to Free Parliaments.

What Parliament K. J. intends to call.

Upon calling this Repreſentative Body, he will *inform himſelf what are the united Intereſts and Inclinations* of his People. Sure he cannot be yet to learn what thoſe are; and he has had too many and too remarkable Occaſions not to be ignorant of them. He could not but be ſo much acquainted with the Intereſts and Inclinations of the People of *England*, as to ſee a rooted Principle of Liberty in oppoſition to Slavery, predominant in every *Engliſh* Breaſt; and yet all that did not hinder him from a form'd Deſign of overturning the very Fundamental Conſtitution, which rendred that Principle of theirs warrantable.

He could not but know that the Inclinations of the People of *England* were averſe to the Religion of *Rome*, and that their Intereſts were quite oppoſite to that Hierarchy: Yet this did not diſſuade him from making more ſteps in four years time towards the reconciling this Nation (as the then Court-Phraſe was) to the Church of *Rome*, than was made in *France* it ſelf from the Death of *Henry* the Fourth, till about three years before the Edict of *Nants* was revok'd for good and all.

England averſe to Popery.

But *with the Concurrence of this Repreſentative Body* he will be ready to redreſs all Grievances, and give all thoſe Securities of which we ſhall ſtand in need. There was a time when ſcarce one ſingle ſtep was made in the Government, but what well deſerv'd the name of *a Grievance*; and how well theſe Grievances were redreſs'd, is worthy of our Enquiry. The late King was not warm in the Throne, when he ventur'd fairly to give us a taſte of what he was afterwards to do: He order'd a part of the Revenue that expir'd with his Brother's Death, to be levy'd for his own uſe; and that by virtue of his own Edict, without an Act of Parliament. A little after this, he would needs ſend a ſolemn Embaſſy to *Rome*, to lay his Crown and Kingdoms at the Pope's Feet: A Compliment few Kings ever made, leſt it ſhould be taken in good earneſt.

The Slights his Embaſſador met with there, were not able to mortify his Zeal in the leaſt degree: As he had ſent a ſplendid Embaſſy to the Pope, ſo he could not reſt till he obtain'd the Glory of ſeeing a Nuncio ſent hither, whom he not only careſs'd himſelf, but made it a Crime even in the greateſt Peers of the Kingdom, to refuſe to attend at his Publick Entry, a Miniſter whoſe Character was in it ſelf High-Treaſon by the Law of *England*.

K. J's Embaſſador ſlighted at Rome.

After the Storm rais'd by *Monmouth* was over, he plainly tells the Parliament then ſitting, *That he will employ Roman-Catholicks in his Army*; that was as much in plain *Engliſh*, as if he had ſaid, Gentlemen, I judg it fit to tell you, I think not my ſelf oblig'd to govern any longer according to Law, now that by your kind Aſſiſtance I am rid of a Competitor to the Throne. After this we were not to expect any fair Weather; all that follow'd was Thunder and Lightning: The Penal Laws and Teſt muſt be taken off; and the Diſſenters cajol'd to conſent to what at laſt was to ruin them as well as the Church of *England*. Till a pack'd Parliament could be got to do this Job, a Diſpenſing Power was ſet up, that upon the matter was to ſupply the place of an Act of Parliament. This devouring Monſter, altogether unknown to our Anceſtors, was not only to ſwallow up all Laws that ſtood in the late King's way towards the Grand Deſign, but was to have the Force of a Law in it ſelf as ſtrong as any ever made by King, Lords and Commons.

It was this Paramount, All-devouring Power, claim'd by King *James*, that produc'd afterwards the Eccleſiaſtical Commiſſion; the Suſpenſion of the firſt Biſhop of *England*; the daſhing in pieces the antient Rights of *Magdalen* College; the Impriſonment of the Biſhops in the Tower; and a great many other things too long to be mention'd here. All theſe were Grievances of a deep dye, and yet neither Prayers nor Tears, Submiſſions nor Remonſtrances could prevail with him to mitigate the weight of any of theſe blows. They were heavy Grievances, and he knew and was told every day they were ſo; and how ready he was to redreſs them, the whole Courſe of that Reign teſtifies.

In the ſame ſenſe he is willing to redreſs our Grievances, he may perhaps be willing to give us thoſe Securities we ſtand in need of. Thanks to his Love for what we do not want. We know no better, nor more natural Securities than our Laws are; they are the only Fence, next to Providence, we truſt in; and while they are not violated, we are ſafe. But had not we thoſe Securities before? and did not the late King break thro them? Could any Law in the World be expreſt in more poſitive Terms than that of the Teſt? And yet this well-twiſted rope, like that of *Sampſon* of old, prov'd but a thred of tow, when the Fury of King *James*'s Zeal came to touch it.

Declarat. 'We likewiſe declare, upon our Royal Word, that we will protect and defend 'the Church of *England* as it is now eſtabliſh'd by Law; and ſecure to the Members 'of it, all the Churches, Univerſities, Colleges, and Schools, together with their 'Immunities, Rights, and Privileges.

This is not the firſt time the late King has promis'd all this, and done quite otherwiſe. King *Charles* the Second was ſcarce yet cold Clay, when in the Speech he made to his new Council, he told them, 'he would make it his endeavour to pre- 'ſerve the Government both in Church and State as it was then eſtabliſh'd by Law: 'And afterwards adds, that he ſhall always defend and ſupport the Church of '*England* and the Members of it. I cannot ſee how larger Promiſes could have been made: And this laſt is but a Repetition of the former. Yet how well they were kept, we have number'd up Inſtances enough already. Thanks to Heaven, and to the Laws already made, the Church of *England*, and the Members of it, are much better ſecur'd, than King *James*'s Royal Word can poſſibly do it, tho he had never given us ground to call the Truth of it in queſtion. Having ſo ſtrong Barriers already, we were errant Fools to truſt our Safety to ſo weak props that have fail'd us ſo often before.

K. J. Promiſes to defend the Ch. of Engl. *how to be rely'd on.*

Declarat. 'We alſo declare, We will with all Earneſtneſs recommend to that Parliament 'ſuch an impartial Liberty of Conſcience, as they ſhall think neceſſary for the Happi- 'neſs of theſe Nations.

Liberty of Conſcience. We have not altogether forgot what kind of Liberty of Conſcience the late King always aim'd at; a Liberty fatal to, and inconſiſtent with the Safety of the Proteſtant Religion, and infallibly deſtructive to the Church of *England*. A Liberty that was to end in the exalting the *Romiſh* Religion to that pitch in *England* that was not even the Intereſt of wiſe Roman-Catholicks themſelves to wiſh. But why recommend to a Parliament Liberty of Conſcience? Might not the diſpenſing Power ſupply all Defects, as it did before? And if the late King has an unqueſtion'd right to emit a Declaration for Liberty of Conſcience when and how he pleaſeth, which was Treaſon in effect to controvert ſome Years ago; then it's altogether a piece of folly to trouble a Parliament with it. This one Engine was like *Goliah*'s Sword, has none like to it; and it would indeed be a diſparagement to uſe any other when that is ſo ready at hand on all occaſions. But alas! the word *impartial Liberty* has unluckily ſlip'd into the Declaration. How came any body to dream that an impartial Liberty of Conſcience would ever pleaſe the Proteſtants of *England?* An impartial Liberty, is a Liberty of equal extent to all: And does King *James* think the People of *England* would be willing there ſhould be a Liberty of Conſcience granted the Roman-Catholicks, equal to what the Laws have already ſecur'd in favour of Proteſtants? In this ſenſe all the Biſhopricks and Livings of *England* muſt be divided impartially into equal parts; we muſt have one Roman-Catholick Archbiſhop, and the other a Proteſtant, and thus it muſt be with the reſt of the Dignities and Livings of the Church. The truth is, when King *James* comes back, we ſhall

ſhall be heartily content with this Diviſion, and think we well eſcape too, if he takes no more than one half: But who ſhall be Security to us we ſhall loſe no more?

'We further declare, we will not diſpenſe with, or violate the Teſt. And, as *Declarat.*
'for the Diſpenſing Power in other Matters, we leave it to be explain'd and limited
'by that Parliament.

A very gracious Promiſe, and a mighty Condeſcenſion! He will not diſpenſe with the Teſt, as he did before, tho ſtill he has a right ſo to do if he pleaſes: for we were often told in the laſt Reign, that this Diſpenſing Power was one of the brighteſt Jewels of the Crown; and in a Royal Declaration for Liberty of Conſcience to the Neighbouring Kingdom, he told them plainly he diſpens'd with all Laws to the contrary, by virtue of that abſolute Power every body was oblig'd to obey without reſerve. So that here is indeed no more than a ſimple Promiſe not to make uſe of that Power to diſpenſe with the Teſt, which he has an undoubted Right to ſtill: whereas the Law and the People of *England* ſay, there is no ſuch Power lodg'd any where; and nothing but an Act of Parliament can ſuſpend or make void an Act of Parliament in this caſe. But pray how does this Promiſe, not to violate the Teſt, agree with the Notion the late King always expreſs'd he had of it? He was pleas'd in his Cloſetings of Gentlemen, conſtantly to inculcate into them 'the 'unjuſtneſs of the Teſt in it ſelf, how contradictory it was to that Chriſtian Cha-'rity which ought to be among his Subjects; how contrary to the very Law of Na-'ture it ſelf, that any body ſhould be incapacitated to ſerve their Country upon 'the account of their Religion. Theſe were the common Places the late King had conſtant recourſe to, in all his Arguments for taking off the Teſt: And in a great many Papers publiſh'd at that time by publick Authority, the ſame frightful Ideas were again and again repreſented. If this Teſt then be ſuch an unjuſt thing in it ſelf, if ſo contradictory to the Rules of Charity and the Law of Nature, how comes it about now, that he is reſolv'd not to violate that, which according to his Principles he is indeed oblig'd to aboliſh? But Promiſes coſt nothing, eſpecially when the Performance is never intended.

The Teſt to be kept up. Diſpenſing Power to be regulated.

'We declare alſo, That we will give our Royal Aſſent to all ſuch Bills as are ne- *Declarat.*
'ceſſary to ſecure the frequent calling and holding of Parliaments; the free Elec-
'tions, and fair Returns of Members; and provide for impartial Trials; and
'that we will ratify and confirm all ſuch Laws made under the preſent Uſurpation,
'as ſhall be tendred to us by that Parliament.

Here is a very comprehenſive Paragraph, and deſerves well to be taken into conſideration by pieces. *He will give his Royal Aſſent to all ſuch Bills as are neceſſary to ſecure the frequent calling and ſitting of Parliaments.* We all know the Reaſon of putting in this Clauſe at this time: But inſtead of frequent Parliaments, if King *James* were once again upon the Throne, we would rather there were none at all; ſince nothing can be of more dangerous Conſequence to *England*, than the ſitting of ſuch kind of Parliaments as that which King *James* always aim'd at. Doubtleſs we ſhould then have a Repreſentative Body (to give it in his own words) that would render all Repreſentations of the People in Parliament for the time to come utterly needleſs. We might expect to ſee our Liberties and Laws given up to the Will of a Prince all at once, and all the ſtruggles between the Prerogative and Rights of the Subject put an end to at one blow, in the intire reſigning up all Pretences to theſe laſt for ever. So far then would the calling of Parliaments be a Terror to us, that ev'ry Seſſion of them would be but ſo many new Links added to our Chain, till all remaining Impreſſions of our former Liberty were intirely ſwallow'd up in an irrecoverable Slavery.

Frequent Parliaments how to be call'd.

The Freedom of Elections, and fair Returns of Members, are two things diametrically oppoſite to the late King's former Meaſures: And he does, or at leaſt may know the Temper of this Nation better, than to hope to ſucceed in his Deſigns by the means of a Parliament freely conſtituted of true *Engliſh*-men. Slavery is a Pill will never go down with them; And it's only to a pack'd Houſe of Commons that thoſe of King *James*'s Religion can ever owe their long experienc'd Triumphs. That he will provide for impartial Trials, we do not at all doubt, if he mean Trials without Favour or Proſpect of Mercy; for of thoſe, the laſt Reign was but one

Freedom of Elections.

one continu'd Inſtance; and indeed no body can blame the late King for not executing Juſtice to the full.

But this is not all; there are yet greater Bleſſings in ſtore for us: 'He will ratify 'and confirm all ſuch Laws made under the preſent Uſurpation as ſhall be tender'd 'him by that Parliament. Good God! where have we been all this time with our Diſtinction of a King *de facto*, that ſome People have coin'd to ſave both their Credit and Eſtates! Our Law ſays expreſly, *That whatever is done by a King in poſſeſſion, is ſufficiently valid.* But here the late King at one daſh (and I believe, without thinking on what he had promis'd us a few lines before) does plainly inſinuate, that he is reſolv'd to ſtand to what has been enacted by a King in poſſeſſion, not *becauſe it's Law, but out of mere Compliment to his new Parliament.* So we have here a ſtanding Law ſince the days of *Henry* the *7th*, torn up by the Roots, and one of the moſt neceſſary Proviſions for the Publick Safety unhing'd: And if this be not all over the diſpenſing Power, or rather worſe, I refer it to every body of common Senſe. However, if it be any Mitigation of Sorrow to have Companions in it, we ſhall have the Pleaſure to ſee our *de facto* Gentlemen come in for their ſhare of a Publick Calamity, in which their nice Diſtinction will ſtand them in no ſtead, as probably ſome of them vainly hop'd.

Declarat. 'And in that Parliament we will alſo conſent to every thing they ſhall think ne-'ceſſary, to re-eſtabliſh the late Act of Settlement of *Ireland* made in the Reign of 'our deareſt Brother; and will adviſe with them, how to recompenſe ſuch of that 'Nation as have follow'd us to the laſt, and who may ſuffer by the ſaid Re-eſtabliſh-'ment, according to the degree of their Sufferings thereby; yet ſo as that the ſaid 'Act of Settlement may always remain intire.

'And, if Chimney-Mony, or any other part of the Revenue of the Crown, has 'been burdenſom to our Subjects, we ſhall be ready to exchange it for any other 'Aſſeſſment that ſhall be thought more eaſy.

Fair Promiſes as to Ireland *conſider'd.*

There was certainly a great Meaſure of Confidence requir'd to mention the firſt part of this Period without a Bluſh. The aboliſhing the Act of Settlement in *Ireland* was the late King's Maſter-piece. In *England* he made only one ſtep after another in order to overthrow our legal Conſtitution: But in *Ireland* he was pleas'd, and that in a Parliamentary way, at one blow to overthrow the Great Charter by which the Proteſtants of that Iſland enjoy'd their Eſtates. The true Reaſon of this difference in his treating them and us, was becauſe here he had not yet been able to get a Parliament according to his mind; but there he found juſt ſuch a one as he wiſh'd for. They went thorow-ſtitch without the leaſt heſitation, and ſtruck home at the Root of the *Engliſh* Liberty, in making void the Act of Settlement, which was the only Pillar it lean'd upon. But now he will conſent to the re-eſtabliſhing that Act of Settlement. Very probable; the only beſt time for a Man to ſhew his real Inclinations is, when he is Maſter, and may do it without controul. By what the late King did in *Ireland*, we may beſt judg what he inclines to do of himſelf; for there he was Maſter of his own Deſigns, having few or none but thoſe of his own Religion and Principles about him, and conſequently none to oppoſe him. If then it was that he ſhew'd ſuch an open Hatred againſt the Proteſtants of *Ireland*, as at one daſh to ſend ſome Hundred Thouſands of them a begging, by making void the Fundamental Law to which they ow'd their Bread, what are we juſtly to expect from him in *England*, if we by an unexampled piece of Folly bring him back to be our Maſter here?

But tho he deſigns to re-eſtabliſh the Act of Settlement in *Ireland*, 'he will not 'permit his dear *Iriſh* to ſuffer by it; no, they are to be recompens'd according to 'the degree of their Sufferings. This Period muſt certainly be a very reliſhing one to the many thouſand Proteſtants of that Kingdom, who have been ruin'd by the *Iriſh*, and who cannot think of them without a juſt Horror for the Barbarities they committed in the two laſt Rebellions. We are to have Golden Days, when thoſe whoſe Hands are yet reeking in Proteſtant Blood, are to be recompens'd for ſhedding it. Strange! We muſt be the moſt abject Slaves that ever were, if we can hear this with Patience. And what ſigns has the *Engliſh* Nation yet given of ſo groſs Stupidity, that incourag'd the Contrivers of this Declaration to banter us at this rate? It had been time enough to have told us this, when the Rope was about our Necks, and we groaning under the weight of our Chains; but beforehand,

while

while we are yet free, to entertain us with ſuch a diſmal proſpect, is a piece of Policy I believe very few are able to fathom.

He puts a mighty Obligation upon us in being ready to exchange the Chimney-mony for any other Aſſeſſment that ſhall be thought more eaſy. The truth is, this is wiſely enough propos'd, and upon a very reaſonable foreſight. If ever the late King return, Chimney-mony muſt certainly ſink; no Proteſtant that can flee, will be very deſirous to ſtay in *England*, and conſequently from that and a thouſand other Calamities waſting us, there muſt neceſſarily be a vaſt number of Houſes without Fire or Smoke, for want of Inhabitants.

'Thus we have ſincerely declar'd our Royal Intentions, in terms we think ne- *Declarat.*
'ceſſary, for ſettling our Subjects minds; and according to the Advice and Intima-
'tions we have receiv'd from great numbers of our loving Subjects of all Ranks
'and Degrees, who have adjuſted the manner of our coming to regain our own
'Right, and to relieve our People from Oppreſſion and Slavery.

'After this, we ſuppoſe it will not be neceſſary to enumerate the Tyrannica lVi-
'olations and Burdens with which our Kingdoms have been oppreſs'd, and are
'now like to be deſtroy'd.

We have a great many too recent grounds to know the late King's Royal Intentions towards us, without running to this Declaration to ſearch for them. The Truth was, he could not in ſome ſenſe be call'd a dangerous Prince, as People are inclinable to call thoſe that hide their Deſigns from publick View. He was open enough in all he aim'd at; and whether it was from his natural Temper, or that he thought himſelf ſure of Succeſs, he was never at much pains to diſguiſe his Intentions, but inſtead of working under ground our Ruin, he puſh'd it on with a high hand, and like *Alexander* the Great (tho upon a more ignoble occaſion) he ſcorn'd to ſteal upon us a Victory. But all this Openneſs was only when he was upon the Throne, at the Head of a good Army; now the caſe is quite alter'd, and a little diſguiſing is thought proper in his preſent Circumſtances.

We know of no Oppreſſion and Slavery we lie under at preſent. If our Taxes be thought heavy in themſelves, they are not ſo, if we conſider they are given to ward off the greateſt Miſeries that can befal a Nation; and we muſt be a baſe People indeed, if we think our Religion and Liberty can be too dear bought. Now, we pay a part, and have a right to call the reſt our own; but if our Enemies had their wills of us, inſtead of a part, they would make themſelves Maſters of our All. Herein we make a Compoſition, that a great many of our Neighbours envy us for, who would be heartily willing to part with the Quota of their Eſtates we retain, provided they might be ſuffer'd to enjoy the Proportion but of what we pay. *Eng. under no Oppreſſion or Slavery at preſent.*

'And whereas our Enemies endeavour to affright our Subjects with the Appre- *Declarat.*
'henſions of great Sums which muſt be repaid to *France*; we poſitively aſſure them,
'That our deareſt Brother, the moſt Chriſtian King, expects no other Compenſa-
'tion for what he has done for us, than merely the Glory of having ſuccor'd an in-
'jur'd Prince.

To tell us at this time of day of the Generoſity of his deareſt Brother, the moſt Chriſtian King, is news indeed. All *Europe*, and his own Subjects, are ſufficiently ſenſible how well that Name becomes him. Tho he had mortally hated the late King, he did no more but what his own proper Intereſt oblig'd him to, in protecting him: And never had a Prince a larger proſpect of Advantage, than the *French* King has at preſent from King *James*; ſince it's by his means he intends, if poſſible, to make theſe three Kingdoms Slaves to *France*. But how comes the late King to make us ſo large Promiſes for his deareſt Brother? Is it becauſe he ſuppoſes no body will be prevail'd with to believe the *French* King upon his own word? and if ſo, he is much in the right on't. Or is it, that he expects we will rely more upon his Word, when he promiſes for another, than for himſelf? If ſo, he is miſtaken, for we believe 'em both alike. The King of *Spain* has more reaſon on many accounts to call the *French* King his deareſt Brother, being indeed ſo in more Senſes than one; and yet he has found to his ſad Experience, that no Oath nor Treaty could tie him up from Pretenſions leſs plauſible than thoſe he has againſt *England* upon the account of King *James*. He renounc'd again and again by his *The* Fr. *K's Generoſity conſider'd.*

ſolemn

ſolemn Oath, and upon the Sacrament, all Pretences to *Flanders* in right of his Mother or Wife; and yet every time he ſwore ſo, he broke it as ſoon as he was in a Condition ſo to do. Shall King *James* or we expect better Treatment from the *French* King, than the King of *Spain* his Couſin-Germain, and Brother-in-Law, that never wrong'd him, has met with? We to whom he imputes his having been put to the Charges of a long War, and King *James* who has been upon the matter the original Cauſe of it?

Declarat. 'We only add, that we come to vindicate our own Right, and to eſtabliſh the 'Liberties of our People. And may God give us Succeſs in the Proſecution of the 'one, as we ſincerely intend the Confirmation of the other.

JAMES R.

'Given at St. *Germains en Laye*, April 17th *S. N.* 1693. and in the Ninth Year 'of our Reign.

God ſave the King.

K. J's Proteſtations conſider'd. The Contrivers of this Declaration have made pretty bold with the late King, in palming upon him a kind of Oath or Execration, that it's probable he knows nothing of. Methinks they deſerve but little thanks that put thus upon their Maſter, what they themſelves believe he would not approve of; unleſs they think, after the breach of a Coronation-Oath, all other Promiſes may be broken of courſe: and ſo they may coin as many Oaths and Promiſes in his Name as they pleaſe, if it ſerve their turn. Well! for our part, we are once willing to ſay *Amen* to the late King's Prayers; and ſo perſuaded are we of his real Intentions towards *England*, that, in his own words, 'We wiſh him Succeſs in 'the Proſecution of his pretended Right, as he ſincerely intends the Confirmation 'of our Liberty.

Thus have I fought with a Phantom, appearing in the likeneſs of a Declaration from King *James*, but for ought I know, *A Paper contriv'd, writ, and printed here without his Direction, and perhaps his Knowledg.* I pretend to no Honour in ſo inglorious a Cauſe; tho I muſt acknowledg the Decency that's due to a Prince whoſe Name is affixt to it, has hinder'd me from treating the Party that contriv'd it, ſo ill as they deſerve.

The

The Lord Chief Baron Atkyns's *Speech to Sir* William Aſhhurſt, *Lord Mayor Elect of the City of* London, *at the time of his being Sworn in their Majeſties Court of* Exchequer, *on* Monday *the* 30th *of* October, 1693.

My Lord Elect,

THE Duty of that Place, wherein as yet I ſerve their Majeſties, doth oblige me to ſay ſomething to your Lordſhip upon this great and ſolemn Occaſion. I thought I might have been excus'd by reaſon of great Indiſpoſitions of Body that are at preſent upon me; but ſince it is my Duty, by the Grace of God I will endeavour to diſcharge it with all Faithfulneſs and Freedom: And I am the more incourag'd to undertake it, becauſe of the great Merit of the excellent Perſons that are before me, to whom I muſt more particularly apply my ſelf in what I have to ſay.

I ſhall raiſe my Diſcourſe from two Heads, and they are very Vulgar, and they are very ſhort, each of them conſiſting but of two Words in *Latin*, *Foris Arma*, *Conſilium Domi*; Wars abroad, but Counſel at home: the firſt tells us of our Danger, the latter teacheth us our Duty.

Wars abroad.

Foris Arma: It pleaſeth Almighty God, that after ſome years gone over our Heads ſince the laſt Revolution, and after ſo much Blood ſpilt, and ſo much Treaſure ſpent, we yet continue in a State of War, and that with a Prince who is very powerful, is highly inrag'd againſt us, and is very proſperous. His Power at Land appears in this, that he has rais'd three great Armies, and maintain'd them, and with his ſingle Force is able to cope with almoſt all the united Forces of *Europe*. His Power at Sea appears in this, that he can encounter with the united Strength of three great Nations, the *Engliſh*, the *Dutch*, and the *Spaniards*; each of which (ſingle) not long ago had been too hard for him.

The Deſign of our Enemies.

I ſhall tell you in a few words, what the Deſign of this great Enemy of ours is; not that I mean to tell you News, for I ſuppoſe there are none here preſent but know it: but I am afraid, we are not ſo ſenſible of it as we ſhould be, we do not ſo well conſider it as we ought. But, however, I muſt mention it, becauſe it induceth much of what I have to ſay.

The Fr. K.'s *Deſign.*

The Deſign of this great Prince, the King of *France*, is this: Firſt, to make himſelf Univerſal Monarch of the *Weſt*; and if that were all, it were not ſo bad, for it doth not ſo much concern the World who governs, as how they govern. But in the next place, it is to eſtabliſh an abſolute arbitrary Power every where: He would rule us with a Rod of Iron, his Will and Pleaſure muſt be the only Law. And in order to this, he doth endeavour to make all other Princes and Monarchs ſeek to be abſolute and arbitrary too, in their Dominions, that he alone may have the Power of ruling them, and that they may have their Dependence alone upon him; and therein he would have the Prerogative that belongs to Almighty God, to be King of Kings, and Lord of Lords. He would be the great proprietary Owner and Diſpoſer of all Eſtates and Poſſeſſions at his Will and Pleaſure, to lay what Taxes and Burdens upon them he pleaſeth; they ſhall toil and moil, they ſhall plow and ſow, and he ſhall reap and divide all among his Baſſas, and Janizaries, and Men of War. He would deſtroy the Proteſtants, and root out their Religion, and ſuffer no Religion to be profeſs'd any where, but the Popiſh; and that not out of Zeal or Love to Religion, but he would make it a State-Engine, that pretended Religion being moſt ſutable to ſerve his ambitious Deſigns.

These are his Designs, and I shall prove it to you by some most manifest undeniable Instances. And I have them already collected to my hand by an excellent Author, and his Name is Dr. *King* (late Dean of St. *Patricks* in *Ireland*, but who since that was made Bishop of *London-Derry*) in a Thanksgiving-Sermon of his preach'd at St. *Patrick*'s Church in *Dublin*, upon the reducing of that Kingdom, before the Lords Justices of *Ireland*. It is in print, and any one may have recourse to it.

The Design laid in the year 1671. In the first place, he does state this to be the Design of the *French* King, as I have stated it, and then proceeds to the proof of it. And the first thing is a Paper found in the Closet of the late Lord *Tyrconnel*, then Colonel *Talbot*, where the Design is laid open; it is dated in *July* 1671 (now two and twenty years ago) there is the first Scheme of the Design laid between the *French* King, and our late King, King *Charles* the Second; and it is a Scheme of such a Design as I have told you of, and then it proposeth the means for effecting of it.

To bring in Popery. First, To procure Popery to be establish'd in *England* by a Toleration; next, to suppress the Insolency (as that Paper calls it) of the *Dutch*: And the last is, to have a strict Alliance between the *French* King and the King of *England*. And by this means (as that Paper concludes) would the King of *Great Britain* be absolute Monarch over his own Subjects.

K. Ch. II. design'd to be absolute.

D'Avaux's *Memorial.* Another Proof he produceth, is a Memorial deliver'd in to the States of *Holland* in the year 1688. and that was by Monsieur *d' Avaux*, the *French* Ambassador, then at the *Hague*. In this Memorial all this Design is stated bold-fac'd. There he tells the States, there was a Treaty between our then King, formerly the Duke of *York*, and his Master the *French* King, in the year 1671. and that was to this purpose, to bring about such a Design as I have spoken of; by which means (as that Paper hath it) the *French* King would be universal Monarch, and the King of *England* absolute over his own Subjects: and by this means there would be a Re-establishment of Popery in these three Kingdoms. This is his second Proof.

Moloony's *Letter confirming the same.* The third is a Letter written by *Moloony*, the Popish Bishop of *Killaloo* in *Ireland*, and directed to another, wherein he states this to be the Design of the *French* King that I have mention'd, and the means the same to effect it. In which Paper, saith my Reverend Author, there is great Anger expres's'd, that some Trimmers about the late King do disown any such Treaty with the *French* King.

So that here are clear Proofs, that this was the Project between the two Crowns of *England* and *France*, of a very long standing. There are Proofs in Writing, and under the Hands of those who were imminently instrumental in the carrying on of the Design. But had I time, and were it so pertinent (especially here) I could make that Design between *England* and *France* elder than 1671; and particularly, I need but mention the business of *Rochel*. You may see how that Atchievement of that King (this *French* King's Father) by the management of his politick Minister Cardinal *Richlieu*, is celebrated with wonderful Encomiums by him that was then Secretary of State. They date their Freedom (as they call it) and their Power over the Protestants, from that Acquisition, and acknowledg that it came by the help of *England*, which is a great shame to be said. The poor Protestants in *France*, particularly in that City, pray'd Aid from hence, and they had some Ships, six Merchant-ships sent them; they expected their Deliverance by this means: but when they came, instead of helping them, their Men and Provisions were deliver'd over into the Power of the *French* King; which when they saw, they presently threw open the Gates, and submitted to Mercy: And ever since that, the *French* Kings have been absolute over their own Subjects.

Treaty betwixt England *and* France *before* 1671.

England *the Cause of the Loss of* Rochel.

But I must not enlarge much more upon that Head, else I could tell of some great Designs of the same kind at the same time here at home; as the striking out of that part of the antient Oath in King *Charles* the First's Time, at his Coronation by Archbishop *Laud* (that the King should consent to such Laws as the People should chuse) and instead of that another very unusual one inserted, *Saving the King's Prerogative Royal.* I do not deny but the King of *England* has a large Prerogative, as much as a good King can desire: He has a Prerogative to do good, he is only restrain'd from doing hurt: For our Law says, *The King can do no wrong.* He has we say a Prerogative that is part, and an eminent part of the Law; but it is not above the Law.

Coronation-Oath changed by Bp Laud.

And I could tell you of something more of that kind done since, in the time of the late King *James*, at the time of his Coronation, there was much more struck out of the Coronation-Oath; which might be well worth the enquiring how it came about.

about. But I let that paſs, I have made out to you what our great Enemy's Deſign is, I will now tell you by what means he has endeavour'd to effect it.

He doth firſt confederate with the *Great Turk*, that profeſs'd Enemy of the Chriſtian Religion, he has brought him into *Europe* to deſtroy Chriſtianity; And as this Enemy of ours, the *French* King, would deſtroy Proteſtants, ſo would that Confederate of his deſtroy and root out all Chriſtianity; and yet muſt this Great Prince the *French* King (forſooth) be call'd the moſt Chriſtian King. France *in Confederacy with the* Gr. Turk.

He doth break thro all the Bonds of Religion, Morality and Common Juſtice; he hath openly and publickly profeſs'd he would not be a Slave to his Word and Oath. He values not all the Edicts, under which the poor Proteſtants of *France* had their Protection. He did take a ſolemn Oath, and he took it upon the Sacrament, that he would renounce all Pretenſions of Title to the *Spaniſh Netherlands*; and yet you ſee he is gaining the poſſeſſion of it thro a Sea of Blood. He doth (as we have great reaſon to ſuſpect) by his Agents and Miniſters, corrupt with Bribes and Penſions (or at leaſt endeavours to do it) thoſe that are Agents, and imploy'd under his Oppoſers, to get Towns and Fortreſſes into his hands, thoſe unmanly, ungenerous, unprincely means. And we have reaſon to ſuſpect him to have had a hand in Deſigns of aſſaſſinating thoſe that are his Enemies, and to have join'd with Dealers in Poiſonings. This, I ſay, we may very juſtly ſuſpect, tho we cannot offer undeniable Proofs of it: But after all, I ſhould inſtance in that baſe, corrupt way of ſending *Midianitiſh* Women, according to the Counſel of *Balaam*, to lull Princes aſleep, and dive into their Counſels, and betray them to Death. Fr. *K. a Breaker of Oaths*, &c.

But beſides, there is one piece of Policy of his, wherein he outdoeth all other Princes whatſoever, and that is, the great thing of maintaining and managing Intelligence. He can tell when your Merchant-Ships ſet out, and by what time they ſhall return: Nay, perhaps, he does take upon him to know by the help of ſome Confederacy with him that is Prince of the Power of the Air, that the Wind ſhall not ſerve in ſuch or ſuch a Corner, till ſuch a time; he knoweth when our Royal Navy is to be divided, and when it is united. France *has good Intelligence.*

And ſhall I gueſs how he comes to have ſuch Intelligence? that were well worth the hearing: I would but gueſs at it, and I would in my Gueſſes forbear ſaying any thing that is diſhonourable to any among our ſelves. We all know the Scripture tells us, that the good Angels are Miniſters of God for good to the Elect. It is the Comfort of all good Men that they are ſo. It is ſaid, *He will give his Angels charge over thee to preſerve thee in thy way*; and I hope we are every one of us in our way. But we have reaſon to believe, that the wicked Angels are very inſtrumental in carrying on ſuch Deſigns as this great Man hath undertaken. *How he comes by it.*

It is a vulgar Error that hath obtain'd among ſome of us, that theſe wicked Spirits are now confin'd under Chains of Darkneſs in the place of Torment. I remember that Expreſſion of ſome of them to our Saviour, *Art thou come to torment us before the time?* It was not then the time of their being tormented. It is rather to be believ'd, that they are wandring about in the Air, and are fleeting to and fro, driving on ſuch wicked Purpoſes as this our Enemy is ingag'd in.

We know grave and ſerious Hiſtorians give us Inſtances of Correſpondences held by both good and bad Spirits here; the Wicked by God's Permiſſion, the Good by his Command and particular good Providence. *Evil Spirits*

So the Death of *Julian* the Apoſtate Heathen Emperor, who was kill'd in his Wars in *Perſia*, was known in the very moment of it at the City of *Rome*, at a great diſtance from the place of Battel, to the no little Joy of the Chriſtians. And this I ſuppoſe was by the Miniſtry of a good Angel.

We have Inſtances of another nature, of what has been done by evil Angels. In the inſtant of our Saviour's Paſſion, if we may believe credible Hiſtorians, it was known at a vaſt diſtance from *Jeruſalem*, at Sea among ſome who were then in a Voyage. They heard a Voice in the Air, crying out of the Death of the great God *Pan*: After which follow'd great Howlings and Screechings; whence we may ſuppoſe by the Expreſſion, that this was by ſome wicked Spirits that were hovering then in the Air, and did communicate this piece of Intelligence.

I ſhall ſay no more on this Subject; but before I go off from this Head of *Foris Arma*, I would obſerve one word that may afford your Lordſhip and us ſome Comfort, or at leaſt ſome mitigation of what may elſe be afflictive upon this account. We have *Arma* in the Caſe, but they are *Foris*; the War is Foreign. We have cauſe to bleſs God it is not yet in our own Country: We are not ſheathing our Swords in the Bowels of one another, as ſome of us know it heretofore hath been.

been. It is abroad, we know not how ſoon it may come home to our own Doors. But it pleaſeth God of his great Mercy, that our Nation, wherein his Providence hath plac'd us, is an Iſland, which lies not ſo open to the Incurſions and Invaſions of a ravenous Enemy, as the Continent doth. What a deſperate Condition had ours been, if it had not been for this our Situation, long e'er this? Conſider what a ſad Condition thoſe poor Creatures are in, who live in the Seat of War; themſelves, their Wives and Children, all Slaves to the Conqueror's Sword, daily under Oppreſſions, Rapines, and Cruelties; one day under one Power, another day under the oppoſite Power. This is their Condition; bleſſed be God it is not yet ours.

Our Advantage in being an Iſland.

I ſhall ſay no more upon this Head, but reſort to the other Head that I mention'd at firſt, *Conſilium Domi.* And it is a Mercy from God, that we have an Opportunity yet left us for Counſel, a Winter before us to conſult in; and wherein, tho we do not doubt but our great Enemy will be very active, yet he cannot make ſuch a vigorous Progreſs in his Deſigns, as he may at another time of the Year: We have yet time to conſider, and confer together.

And it is the Happineſs and Bleſſing of Almighty God, that we have the ſo near proſpect of the Great Aſſembly of Parliament, that will be *Conſilium Domi* indeed. If there be any Miſcarriages, any ill Intelligencers, any inbred Traitors and Enemies within our ſelves, they will we hope take care about them. The Houſe of Commons we know is the grand Inqueſt of the Nation: It is one of their great Offices and Duties to make Enquiry after, and proſecute ſuch Offences; and we doubt not they will do it.

Princes Counſels oft betray'd.

It is not lightly and groundleſly to be ſuſpected, that thoſe who lie in the Boſoms of Princes, ſhould betray them: But yet I will tell you, that no Prince hath reaſon to be ſecure in that point. I cannot read that Paſſage of the Royal Pſalmiſt, without a great deal of Compaſſion for the Condition of Princes in this reſpect. *David* was a holy Man, belov'd of God, of great Courage, Parts, and Piety; yet conſider what he makes his own Caſe to be: *My Familiar Friend, he that eat of my Bread, hath dealt treacherouſly with me.* But he deſcribes him further than that, *We took ſweet Counſel together:* So that it ſhould ſeem he was a Privy Counſellor, as well as a familiar Friend. Nay, yet further, *We went to the Houſe of God together:* So that he was of *David*'s Religion, he was one that join'd in the ſame Worſhip with him, he was no Diſſenter. Nay, he was one that profeſs'd great Love to the Houſe of God; poſſibly he might be a great Champion for the Church, and the Head of the Party: Yet ſuch an one *David* deſcribes him to be, who had betray'd him.

We have beſides this (which brings the matter home to what we have now before us) great need to take care to chuſe excellent Perſons into Offices of Magiſtracy, eſpecially for this great City, upon whoſe Good depend many things, that I ſhall tell you of by and by, and on which depends ſo much the Good of the Nation.

The Lord Mayor complimented.

And, my Lord, here we have cauſe to rejoice that that great and wiſe Body have made ſuch a Choice for their prime Magiſtrate as your Lordſhip, one every way ſo fitted and qualified for that great Office. My Lord, I will tell you what Comfort I hope for from it, and I make no doubt, many others that are here do the ſame; that hereby we have a Token for good in the Inclinations of the Citizens, we feel their Pulſe, we know what their Temper is, and we rejoice in it; it is ſpoken in their Choice of you. They appear to be Lovers of their Country, Lovers of their Religion, Lovers of the true *Engliſh* Intereſt, and well inclin'd to ſet the World at liberty, as to their Civil and Religious Rights.

My Lord, I have a further Comfort in this matter; the Election of Officers is a deliberate Act, it is the Fruit of Counſel (which is the Head we are now diſcourſing of) and the Reſult of Wiſdom. But, my Lord, we may look higher; even in this Action of the Citizens there is, as in all great human Actions, the *Primus Motor* to be conſider'd, the mighty God that governs in the Hearts of the People, he hath put it into their Hearts to fix upon you. What do we gather hence? *Vox Populi eſt Vox Dei*; Almighty God hath choſen you.

It is a mighty Curſe, as we read in the Book of God, to have a wicked Ruler ſet over a People: On the other hand, it is a great Comfort and Happineſs to ſee a good Man choſen to bear Rule among us. Almighty God hath given us in this an Earneſt and a Pledg that he will not yet leave and forſake us, and I raiſe to my ſelf a good ground of great Comfort from it.

My

My Lord, in the third Century, after the time of our Saviour, there was one *Antenor* the eighteenth or nineteenth Biſhop of *Rome* died, and the See became vacant, and the Chriſtians in a great Body met together to chuſe a Succeſſor; and being in the Field together, a great many Names were toſs'd to and fro of Perſons that might be fit to be choſen: But there was in the Croud one that was known to a very few of that Multitude, he was among the *ignota Capita*, one *Fabianus*, who was a plain Country Parſon, very obſcure, but a pious meek Man, who little thought of, or ſought the Biſhoprick. As they were toſſing about ſeveral Names, at laſt, in the open view of the Aſſembly, there was a Dove lighted upon the Head of *Fabianus*, which when the People ſaw, they preſently with one Voice choſe him to be Biſhop: You have the Relation in *Euſebius*, an Eccleſiaſtical Writer of great Note and Credit. Fabian *Bp of* Rome *how choſen in the 3d Century.*

A Dove lighted on his Head! an excellent Emblem for a Biſhop, who ought to be of a meek and Dove-like Temper and Diſpoſition: *Amari non timeri debent Epiſcopi.* It was the bleſſed Spirit of God in that Similitude which lighted upon the Head of our Saviour, to give Teſtimony to him as the Son of God at his Baptiſm; and it was a Dove that brought the Olive-branch into the Ark. It is an excellent Emblem of a Magiſtrate, who ought to be like a Dove without Gall.

My Lord, indeed there was no Dove lighted upon your Head at your Election, nor was there need of any, for Miracles were never done in vain; it had been a Miracle if you had not been choſen: Your being every way ſo fit and qualify'd for this Truſt and Command, did beſpeak your Election.

It is a diſpute among the Learned, whether Government be of natural Right or human Inſtitution. I remember the learned *Hooker* in his *Eccleſiaſtical Polity* ſays, ſome Perſons have a natural Right to be Governors; that is, Men of great Virtue, Parts, and active Spirits, that are Mercurial: Others again are fitted for Subjection, being of duller Tempers, and more ſluggiſh heavy Spirits; ſome are fit for Hands, others for Heads. *Government of natural Inſtitution.*

There was a noble *Roman*, who was call'd *Mecœnas*, of whom *Tacitus* tells us, he was never Conſul in *Rome*, nor Senator, but yet had as great Authority both with Senate and People, as any of thoſe who had triumph'd, becauſe of his excellent Parts and great Virtue. It might have been ſaid of him, he lov'd our Nation, and hath built us a Synagogue; that is, he delighted to do them good, and they would all liſten to him upon all occaſions, tho he never had any of the Badges of Authority confer'd upon him. Mecœnas.

It is taken care of by our Law, that that Coin which is current among us muſt not be of the baſer Metals, but of one of the two finer Species, Silver or Gold; it muſt have intrinſick Value, as well as the Royal Impreſs. This Election of your Lordſhip, and our Swearing you and all this Ceremony, gives but the Stamp and Impreſſion, it was your own intrinſick Value before that intitled you to the Office.

My Lord, I ſhall ſay no more upon this Subject, but ſhall make all the haſt I can to conclude with that which is my Duty, to give ſome Advice to your Lordſhip: Not but that you know your Duty as well as I can teach it; but I muſt not neglect any part of my own.

My Lord, I muſt adviſe your Lordſhip to take care, Firſt, of Religion, and of the Service and Worſhip of God in the City, to keep it up in Power and in Purity. If we would have God to be our God, and our Friend in a time of Diſtreſs, we muſt carry it towards him dutifully and religiouſly, and then we ſhall have him always our Friend, our Father and Protector. Therefore, my Lord, be ſevere upon all open profane Perſons, Swearers and others, and thoſe who are not afraid to vent their Atheiſtical looſe Opinions in Religion. There are a great many profeſs'd Atheiſts among us; and there are, I fear, a greater number that paſs under a new name of Deiſts, that are of as pernicious Principles, and indeed, I fear, more dangerous, who throw off all reveal'd Religion whatſoever. Pray have a care of theſe, and ſuch as lead diſſolute and debauch'd Lives; for if they be tolerated, they will prove great Snares and Miſchiefs to us all; and therefore I hope your Lordſhip will look carefully after them. *Advice to the Lord Mayor.* *To be ſevere againſt all Debaucheries and Profaneneſs.*

In the next place, pray, my Lord, take care of the Peace and Quiet of the City, upon which the Peace of the Nation ſo much depends. We have thoſe among us, and a great many, who, with falſe Rumours and Reports, and other Artifices and cunning Contrivances, would diſturb the Peace of the Nation, and put Frights and Fears into the Multitude. It would be a deſperate Remedy, that of Inſurrections and Tumults. Your Lordſhip will do well to have an Eye upon them, and prevent

prevent the Beginnings. They are well join'd together in holy Writ; it is Almighty God alone that can ſtill the raging of the Sea, and the Tumults of the People. Whatſoever may be the Pretences upon which they are firſt got together, we know not what they may turn about to when once they have a Head.

Juſtice to be duly adminiſter'd.

My Lord, you will likewiſe do well to take care, that the Proceedings of your Courts of Juſtice be clear and ſpeedy, and not too chargeable to the Suitor. And here I cannot but renew the mention of a thing that I have often ſpoken of; I wiſh there were a good Law againſt ſelling of Offices in the City, and every where elſe, it doth corrupt the Fountain of Juſtice. I ſpeak not ſo much of your Offices, but of thoſe in your Courts of Juſtice; it may prove the Ruin of the City, and the Deſtruction of the Government.

To look to the Poor.

Pray, my Lord, take care of Charity; look after the Poor, eſpecially in this hard Winter, and now there is ſuch a ſcarcity of Corn, and ſuch a dearneſs of Coals: Your Lordſhip in great Prudence and Wiſdom, and of your great Charity, will, I hope, think of it in time, and provide Stores for the poor People, that they may not be in extreme Want as to Food or Fuel.

Caballers againſt the Government.

I beg of your Lordſhip to be vigilant over thoſe who meet together, and cabal, and ſtudy how to diſturb our Peace. My Lord, they do now appear open-fac'd, and affect to be known as Enemies to the Government. They will not join with us in obſerving our Faſts, but take occaſion on thoſe days to feaſt and be jolly with one another; they purpoſely pride themſelves in paying double Taxes, becauſe thereby they are known to be againſt our preſent Settlement. Theſe muſt have a ſtrict Eye kept upon them.

I had much more to ſay upon that Point, but I have been too long already. I come now to the laſt part of this Work that lies upon me, that is, to offer your Lordſhip ſome Conſiderations, that may encourage you in the chearful Diſcharge of your Office.

The good Examples of former Ld Mayors.

Among other things, you have the good Examples of your two laſt Predeceſſors, who indeed are ſo honourable and worthy Perſons, that they may be counted among the Worthies of *David*; and in particular, your immediate Predeceſſor that ſtands by you, who hath, during his time, well preſerv'd the Peace of the City, and deliver'd it fairly into your Lordſhip's hands: Tho we cannot ſay, he hath brought the Ship into Harbour, yet he hath fairly perform'd his part of the Voyage, notwithſtanding the Roughneſs and Tempeſtuouſneſs of the Seaſon.

Particular Providence attends the King.

My Lord, you have the Example of the King himſelf to incourage you, who hath, with great Courage and Love to our Nation, expos'd his Perſon to the utmoſt Perils and Hazards for us. And it is not only his Virtue that may be an Incouragement, but it is evident now to all the World, that there hath a bleſſed Providence attended him in the greateſt Dangers, to preſerve and protect him. In the buſineſs of Fights, there is not a Bullet that flieth, but it is under the Government and Direction of Providence. And it is to a Miracle apparent, that the Hand of Providence is continually over the Head of our King.

Cæſar's Action in Diſtreſs.

When *Julius Cæſar* was in great Diſtreſs, *Pompey* his Enemy having poſſeſs'd himſelf of all the Power, and ſhut him up under great Difficulties, he puts himſelf into a Diſguiſe, with a purpoſe to make his Eſcape, and imbark'd himſelf in a ſmall Veſſel. When he was there, he could not prevail upon the Pilot to put to Sea, it was rough and tempeſtuous, like the Times we are now in; all the Arguments he could uſe would by no means do with him: At length he was forc'd to throw off his Diſguiſe, and ſhew himſelf, and tell him, *Cæſarem & Cæſaris fortunam vehis*; You have *Cæſar* aboard, and *Cæſar*'s good Fortune. That which he call'd Fortune, I will call Providence; and that Providence which preſerv'd the King, I make no doubt will protect you in your great Station.

Worſhip of God to be look'd to.

My Lord, you have under your Care (and I am glad the Care is in ſuch hands) the Worſhip and Service of Almighty God, and his Glory is ingag'd on your ſide. Our great Enemy, that I have ſpoken ſo much of before, moſt blaſphemouſly and impiouſly arrogates Glory to himſelf, which is God's Prerogative. *My Glory*, ſaith God, *I will not give to another*: But the *French* King ſnatches at it; he declares openly, that the *Dutch* are a Hindrance and Diminution to his Glory, and we may expect to have the ſame ſaid of our ſelves.

My Lord, I ſay, you have this Glory of God on your ſide, and you have the Prayers and Aſſiſtance of a great many that love God; a great many in your City, I dare pronounce, more than in any place under Heaven. The Prophet complain'd, that he was left alone to ſerve God: But God anſwer'd him, that *he had ſeven*

ſeven thouſand in Iſrael *who never bowed the knee to* Baal. I may multiply that number of *ſeven*, as our Bleſſed Saviour doth in the caſe of forgiving our Brother: There are ſeventy times ſeven thouſand in this City, and about it, *that never bowed the knee to* Baal, never had a hand in all the Miſcarriages and illegal Actions of the late Times, would never own Popery and Arbitrary Power.

And I queſtion not there are a great many more in the reſt of the Kingdom; theſe may be an encouragement to you. You have the Intereſt of all the Proteſtants in the World, and all that are concern'd for their Civil Rights, and their religious ones too on your ſide.

My Lord, I ſhall only conclude with one word: Your Entrance into this great Office is very hopeful; we all of us heartily wiſh your *Exit* and Concluſion may be as happy.

The following MAXIMS *were found amongſt the Papers of the Great* Almanzor; *and tho they muſt loſe a good deal of their Original Spirit by the Tranſlation, yet they ſeem to be ſo applicable to all Times, that it is thought no Diſſervice to make them Publick.*

Printed in 1693.

I. THAT a Prince who falleth out with his Laws, breaketh with his beſt Friends.

II. That his exalting his own Authority above his Laws, is like his letting in an Enemy to ſurprize his Guards. The Laws are the only Guards he can be ſure will never run away from him.

III. A Prince that will ſay, He can do no good except he may do every thing; teacheth his People ſay, They are Slaves if they may not do what they have a mind to.

IV. That Power and Liberty are like Heat and Moiſture; where they are mixt, every thing proſpers; where they are ſingle, they are deſtructive.

V. That Arbitrary Power is like moſt other things that are very hard, they are alſo very apt to break.

VI. That the Profit of Places ſhould be meaſur'd, as they are more or leſs conducing to the Publick Service; and if Buſineſs is more neceſſary than Splendor, the Inſtruments of it ought in proportion to be better paid: That the contrary Method is as impertinent, as it would be to let the Carving of a Ship coſt more than all the reſt of it.

VII. That where the leaſt uſeful part of the People have the moſt Credit with the Prince, Men will conclude, That the way to get every thing, is to be good for nothing.

VIII. That an extravagant Gift to any one Man, raiſeth the Market to every body elſe; ſo that in conſequence, The unlimited Bounty of an unthinking Prince maketh him a Beggar, let him have ever ſo much Mony.

IX. That if ordinary Beggars are whip'd, the daily Beggars in fine Clothes, out of a proportionable reſpect to their Quality, ought to be hang'd.

X. That Pride is as loud a Beggar as Want, and a great deal more ſaucy.

XI. That a Prince who will give more to Importunity than to Merit, had as good ſet out a Proclamation to all his loving Subjects, forbidding them to ſerve well upon peril of being undone by it.

XII. That

XII. That a wiſe Prince will not oblige his Courtiers, who are Birds of Prey, ſo as to diſoblige his People who are Beaſts of Burden.

XIII. That it is ſafer for a Prince to judg of Men by what they do to one another, than by what they do to him.

XIV. That it is a groſs miſtake, That a Knave betwixt Man and Man, can be honeſt to a King, whom of all others Men generally make the leaſt ſcruple to deceive.

XV. That a Prince who can ever truſt the Man that hath once deceiv'd him, loſeth the Right of being faithfully dealt with by any body elſe.

XVI. That it's not poſſible to find out ſuch an honeſt Knave as will let no body elſe cheat him.

XVII. That if a Prince doth not ſhew an Averſion to Knaves, there will be an Inference that will be natural, let it be ever ſo unmannerly.

XVIII. That a Prince who formeth his Opinion too ſoon, will be in danger of repenting it too late.

XIX. That it is leſs dangerous for a Prince to mind too much what the People ſay, than too little.

XX. That a Prince is to take care, the greater part of the People may not be angry at the ſame time; for tho the firſt beginnings of their ill Humours ſhould be againſt one another, yet if not ſtop'd, they will naturally end in anger againſt him.

XXI. That if Princes would reflect how much they are in the power of their Miniſters, they would be more circumſpect in the choice of them.

XXII. That a wiſe Prince will ſupport good Servants againſt mens Anger, and not ſupport ill ones againſt their Complaints.

XXIII. That Parties in a State generally, like Free-booters, hang out falſe Colours: the pretence is, the Publick Good; the real buſineſs is, to catch Prizes; like *Tartars*, whenever they ſucceed, inſtead of improving their Victory, they forcibly fall upon the Baggage.

XXIV. That a Prince may play ſo long between two Parties, that they may in time join together to be in earneſt with him.

XXV. That there is more Dignity in open Violence, than in the unskilful Cunning of a Prince who goes about to impoſe upon the People.

XXVI. That the People will ever ſuſpect the Remedies for the Diſeaſes of the State, where they are wholly excluded from ſeeing how they are prepar'd.

XXVII. That changing Hands without changing Meaſures, is as if a Drunkard in a Dropſy ſhould change his Doctor and not his Diet.

XXVIII. A Prince is to watch that his Reaſon may not be ſubdu'd to his Nature, ſo as not to be ſo much a Man of Peace as to be a Jeſt in an Army, nor ſo much a Man of War as to be out of his Element in the Council.

XXIX. That a Man who cannot mind his own Buſineſs, is never to be truſted with the King's.

XXX. That Quality alone ſhould only ſeem to make a ſhew in the embroider'd part of the Government; but that Ignorance, tho ever ſo well born, ſhould never be admitted to ſpoil the Publick Buſineſs.

XXXI. That he who thinketh his Place below him, will mind it ſo little, that he will certainly be below his Place.

XXXII. That when the Prince's Example ceaſeth to have the Force of a Law, it is a ſure ſign that his Power is waſting; and there will be but little difference between Mens neglecting to imitate, and their refuſing to obey.

XXXIII. That a People may let a King fall, and yet ſtill remain a People; but if a King lets his People ſlip from him, he is no more a King.

A ſhort State of our Condition, with Relation to the preſent Parliament.

Printed about *Nov.* 1693.

IT is too ſad a Subject to admit of Raillery, otherwiſe a Man might ſay that we may defy all the Plots of the *Jacobites*, and the Machinations of *Republicans*, ſince there is ſo good an underſtanding between the King and his People, ſince the People have choſen him a Parliament, of which he thinks ſo many of the Members are fit to be employ'd by him, as well as entruſted by them. A Man might droll on, but he can have no *Engliſh* Heart, nor thinking Head, who can ſport himſelf with our Calamities. There cannot ſure be any Circumſtance which can make *England* more impregnable, more glorious and happy, than when the King and Parliament jointly agree in national Deſigns. But neither can there be any Juncture more fatal, than when a Houſe of Commons ſeem as much in a ſeparate Intereſt from that of their Country, as Paraſites in theſe latter Reigns have perſuaded our Kings to be. Such a Houſe of Commons will make Slavery Authentick, will bubble us out of all ſenſe of Liberty. What with talking of the Church and the Monarchy at one time, and the *French* and Popery at another, they will firſt cheat themſelves, and then delude as well as betray the Nation. They will moſt eaſily betray the Nation, becauſe we are not apt now to find fault with any thing that has a Parliamentary Sanction. That two hundred thouſand Pounds a Year beſtowed upon the Parliament, has already drawn out of the Subjects Pockets more Millions than all our Kings ſince the Conqueſt have ever had from this Nation, and that without any rude Complaint, is a proof, that if a King can manage well Mr. *Guy*'s Office, he may without much ado ſet up for Abſolute. *Venalis eſt Anglia*, for *Venale eſt Parliamentum.* Heretofore indeed it was not neceſſary only that a Parliament ſhould give, but that they ſhould give reaſonably; as *Flammock*'s Rebellion, and others in King *Henry* the Seventh's Reigns witneſs: and yet I believe our Rolls will not furniſh us with many Seſſions wherein Mony was given, and no one Country Bill granted. But our Anceſtors were wiſe enough to inſtruct their Members, and our Conſtitution ſo regular, that we had frequent Elections. But when think you ſhall we have a new Election now, ſince the King has about ſixſcore Members that I can reckon who are in Places, and who are thereby ſo intirely at his Devotion, that altho they have mortal Feuds when out of the Houſe, tho they are violently of oppoſite Parties in their Notions of Government, yet they vote as lumpingly as the Lawn Sleeves, never divide when the Intereſt of the Family, as they call it, is concern'd, that is to ſay, when any Court-Project is on foot? The Houſe is ſo Officer'd, that by thoſe that have Places and Penſions, together with their Sons, Brothers and Kinſmen, and thoſe who are fed with the hopes of Preferment, and the too great Influence theſe have upon ſome honeſt miſtaken Country-Gentlemen (who are poſſibly over-frighted with the *French*) the King can baffle any Bill, quaſh all Grievances, ſtifle Accounts, and ratify the Articles of *Limerick*: I call them miſtaken Country-Gentlemen, who can be perſuaded that an honeſt Bill can be at any time out of ſeaſon. I confeſs they muſt adore Kings more than I do, who when their own Management has brought them into Difficulties and Straits, don't love to make good uſe of their Humiliation. I would truſt an elected King a great way, if I ſaw he underſtood Election to be his Title; if our Generoſity would engage him to Reformation: But when I ſee he knows neither his own nor our Intereſt, employs many of thoſe who have been our Enemies all along, and were his when the Debate of the Crown was on foot; when I ſee him hate and nickname as *Commonwealths-men*, thoſe whoſe Principles made them the Authors of his Greatneſs, and thoſe that would have him do the Buſineſs

No greater Happineſs to England, *than the King and Parliaments conjunction in National Deſigns.*

Danger of bribing a Parliament.

Enemies to the Revolution in Imployment.

for which he came, for which both he and we ſaid he came; when I ſee him ſometimes ſolliciting in Perſon in the Houſe of Lords, at others by my Lord *Portland*, beſides what he does by all his under-Officers; when I hear he ſends Commands to ſome Lords, and Bribes to others, and turns out of his Place the gallant Lord *Bellamount*, merely for giving his Vote in the Houſe of Commons according to his Conſcience, and thereby intends to terrify others; when I find the Mony the Nation gives to defend our Liberties from Foreigners abroad, is like to undermine them at home: In a word, when I ſee neither the one nor the other Houſe can withſtand the Power of Gold; I ſay, when I perceive all this, it is time to give Warning, it is time to look about us.

Corruption prevails every where.

I once thought to have affix'd to this Paper a Liſt of thoſe that are in Office; which if I had, it would not only have ſhewn how many Members are bought off, but would have pointed out many amongſt the Number of Favourites and Penſioners, who we expected ſhould rather have been puniſh'd. Had we intended to have juſtified what we have done to after-times; had any thing but perſonal Grandeur been the real Intention of him, who we intended to have been, and valu'd himſelf moſt upon being our Deliverer; theſe Men muſt have been mark'd down as Betrayers of their Country, who are now made the chief Supporters of his Throne. I thought we call'd over the Prince of *Orange* to get or give us all the Laws we wanted; to have made the Elections of Parliament ſecure and frequent, Trials impartial, the Militia our ſtanding Force, and the Navy our Strength. I thought we had call'd him over to call Miniſters to an Account, and to have put it out of their Power impunibly to abuſe us hereafter. If any Spirit of Liberty remains, if we are not deſtin'd to Deſtruction, ſure the Nation will take ſome way to let the King and both Houſes know that they expect they ſhould not only provide for a Campagn in *Flanders*, but (if we ſhould yet have our wiſh'd for Succeſs) for our Security even againſt our own Victories, and ſuch Laws as may make it worth while at this time to defend our Country: I ſay worth while to defend it; for if we are to be Slaves, it's no matter to whom we are ſo. I would not embarraſs the Government, but I would have thoſe that are in it underſtand that it is for our Good, and not to gratify their Ambition, that they are put into thoſe Poſts.

Members of Parliament formerly paid by the Country.

It was the Cuſtom formerly for the People to pay their Members, and thoſe Members were truſted by the People to keep the Ballance between their Liberties and the King's Prerogative. But ſince they are retain'd by him with ſuch overgrown-Fees (ſuch Places and Perferments) to be Council on his ſide, how can the People hope they will be juſt in their Arbitration? But after all I would not be thought to inſinuate, that all that are in Places give up the Intereſt of *England*: There are ſome, and thoſe in great Places too, of whom I can't allow my ſelf to have one hard Thought; tho there are others of whom the World had a very good Opinion, who ſince they have had Preferment, have taken care to convince us, that we were miſtaken in their Characters. Leſt the Good ſhould not be diſtinguiſh'd from the Bad, I forbear making a Liſt, which moſt Members, if they pleaſe, can make for themſelves and their Neighbours, and more exactly than I can do it; and I think the beſt ought to ſuſpect and examine their own Conſciences, whether their Imployments don't biaſs their Votes. If Men are to make Fortunes by being of our Senate-Houſe, we had better our ſelves pay the Diſburſements of thoſe we ſend, we had better our ſelves allow them plentiful Salaries for ſitting there; each particular County would ſave by it in the publick Aſſeſſments, and find their Account in it, whilſt they preſerve their Members from the Temptation of being hir'd out of their Intereſt, and conſequently get good Laws for what they give. We can ſcarce pay too much for good Laws: and if we have not ſome that we have not yet, we ſhall not when the War is over (let it end which way it will) be able to call what we have our own. If the Members of Parliament are to overlook all the Ill-husbandry of the Government, that they may ſhare in the Profuſeneſs and Bribery of it; if our Rights are ſet to ſale by ſome, and neglected by others, when the very Being of the Government depends upon our being pleas'd; what Amendment, what Confirmation ſhall we have of our Conſtitution when all our Dangers are over? This is a Thought deſerves our moſt ſerious Reflections. In the late times the City of *London* often petition'd for paſſing of Laws; Will they always lend Mony now, and never expect a thorow Alteration of the Miniſtry, and Securities for the future againſt Court-Projectors? In King *James* the Firſt's time there were certain Sparks that undertook for Parliaments, that were call'd Undertakers; and there is a certain Secret that has ſtole out of our *Cabinet*, that one there immediately on the King's

Managers of Parliaments odious.

refuſing

refuſing the Triennial Bill laſt Seſſions, undertook that it ſhould be thrown out the next time they ſat, with as much Scorn and Contempt as was the Judges Bill. It is time to have Annual Parliaments inſtead of Triennial, ſince Privy Counſellors and Lords of the Treaſury (both which Station this Perſon enjoys) can ſo perfectly feel the Pulſe of a Parliament, during an Interval. I could name a certain Gentleman who exactly reſembles *Harry Guy*, that the laſt Seſſions when the Houſe was a little out of Humour, diſpos'd of no leſs than ſixteen thouſand Pounds in three Days time, for ſecret Service. Who are in Places we may find out, but God knows who have Penſions; yet every Man that made the leaſt Obſervation can remember that ſome who open'd loudly at the beginning of the laſt Seſſions, who came up as eager as is poſſible for Reformation, had their Mouths ſoon ſtop'd with Huſh-mony. It has been of ſome time whiſper'd, that if this will not at firſt pre-ingage to do what will be exacted at their Hands, we ſhall have a new Parliament. I can't tell whether a new Parliament will not be practis'd upon by the Carmarthen Art; however it is our laſt and beſt Remedy: for if this continues, God have Mercy upon poor *England*; for hitherto we have been, and we are like ſtill, for ought I ſee, to be re-paid for all our Expence of Blood and Treaſure, with a mere Smoke that *Boccaline* mentions in his Advices from *Parnaſſus*, whereby the Enemies of the Government have but too great Advantage given them to ridicule us for our fooliſh Credulity.

A Dialogue betwixt WHIG *and* TORY, *Alias* Williamite *and* Jacobite.

Printed about *Nov.* 1692.

Wherein the Principles and Practices of each Party are fairly and impartially ſtated; that thereby Miſtakes and Prejudices may be remov'd from amongſt us, and all thoſe who prefer Engliſh *Liberty and Proteſtant Religion, to* French *Slavery and Popery, may be inform'd how to chuſe fit and proper Inſtruments for our Preſervation in theſe Times of Danger.*

To the KING.

SIR,

THO the ſacred Majeſty of Kings (I am ſenſible) ought not in common caſes to be approach'd by every little Buſy-body, or frivolous Remonſtrance-maker; yet when our Prince's Palace is on Fire, and his ſacred Perſon in the midſt of the Flames, the meaneſt of his Subjects hath the Privilege then to give him warning of his Danger, and to aſſiſt to quench the Fire: And this I am afraid, Sir, is at preſent too near our Caſe, or I would not have aſſum'd the Boldneſs to diſturb your Repoſe, or have plac'd my ſelf ſo diſadvantageouſly before your Majeſty, as I muſt expect to appear, under the Character of a publick Cenſor of the Manners of your Miniſters, and a petty State-Reformer. But it is not I alone that am thus concern'd and buſy for the Publick; the whole World are at this time mournfully reflecting upon the miſerable Eſtate we are fallen into from that happy and glorious Proſpect of things which we had in 1688 and 1689: This hath put all Men upon Enquiry into the Cauſes of the unhappy Change of our Affairs; and I find it agreed on all hands, that the principal Occaſion of our Misfortunes (or ra-

ther Miſmanagements) is from the intruſting thoſe with the Government of all, who were the Creatures and Tools of the two laſt Reigns, and are irreconcilable Enemies to your Majeſty's Government; thoſe who oppos'd your coming to the Crown; thoſe who declar'd to your Face King *James* the only Rightful King; thoſe who ſold their Country and betray'd it to the two laſt Kings, and will be always ready to ſell it even to the *French* King, if he prove the faireſt Chapman.

I have heard that *Thurloe*, who was Secretary of State to *Cromwell*, being ask'd by King *Charles* the Second, how they did ſupport their Government ſo long, when all the Nobility, Gentry and Clergy were againſt it? he reply'd, *By intruſting thoſe only in the Management of all Affairs, who were as heartily againſt that Nobility, Gentry and Clergy.* I do not apply this literally; for God be prais'd, your Majeſty hath a great part of all theſe ſeveral Degrees of Men, who are moſt heartily and zealouſly in your Intereſts: But I mean by this, that you are to oppoſe your Enemies with their Enemies, not with their Friends. And that the Deſign of keeping out King *James* with Jacobites, ſeems to be as impracticable, as his Project prov'd of ſetting up Popery with a Proteſtant Army.

Yet there are ſome about your Majeſty, who (for baſe and private Ends) endeavour to poſſeſs you with the deſtructive Politicks of courting and buying your Enemies into your Service, and would perſuade you, that King *James*'s Tories are the only Party truly principl'd for Monarchy, and are fitteſt for Employment, as being long practis'd in Buſineſs: And that (on the contrary) your Majeſties beſt Friends, whom they call Whigs, are not only ignorant, and unacquainted with Publick Buſineſs, but are Haters of Monarchy, of Commonwealth-Principles; and at beſt, for making their Kings no more than Dukes of *Venice*, and Kings of Clouts. Now this is a Notion ſo falſe, ſo fatal to the Proſperity of your Affairs, and ſo dangerous to the very Being of your Government, that I cannot but think it highly neceſſary, that this matter ſhould be fairly ſtated and laid before your Majeſty. I am ſenſible how unfit I am for the Task, and how open I lie to a Charge of Preſumption in attempting it. But as the Son of *Cyrus*, who was from his Birth dumb, broke Silence when he ſaw his Father in the Hands of his Murderers; ſo (ſince I ſaw no other Champion appear in this Cauſe) I reſolv'd to break thro all Impediments, even thoſe of Nature, and to endeavour the Reſcue of my King out of the Hands of thoſe who have already been the Ruin of two Kings, your Majeſty's Predeceſſors, and who will undoubtedly bring you and your Affairs into great Difficulties, if you be not deliver'd from their Counſels.

In order to this, I have impartially made a Collection (in the following Dialogue) of all the Arguments which Whigs imploy againſt the Tories, or Tories againſt the Whigs, and ſubmit it to your Majeſty's diſcerning Judgment, and moſt piercing and diſtinguiſhing Wiſdom (upon the whole) which of them are moſt proper for your Majeſty to employ; thoſe who were in the Intereſt of Popery and of *France*, or thoſe who oppos'd both to the Death. I appeal to you, Sir, whether a Tory's being for the Divine Right of Succeſſion, and conſequently for King *James*'s Monarchy, makes him the fitter in Principle to be employ'd by King *William*? Or, whether his boaſted Skill in Buſineſs will be of any uſe to your Majeſty, if he be in Principle and Inclination for King *James*, and believes King *William* a King *de facto* only, without a Rightful Title, and in plain *Engliſh*, an Uſurper? If theſe Gentlemen (as their Principles will naturally lead them to do) uſe all their Skill in their ſeveral Stations, to obſtruct and make difficult your Affairs, to betray your Deſigns to your Enemies, to countenance and protect King *James*'s Friends in all their Plots and Contrivances, furniſh them with Intelligence, help them to Paſſes, Eſcapes, *&c.* all which things (it cannot be deny'd) have been and are daily done by ſome Perſons employ'd in this Government: Of what Uſe, Sir, or Service then is this boaſted Skill in Buſineſs to your Majeſty's Intereſts? Certainly Men leſs converſant in Publick Affairs, who have a Zeal for your Government, would be of more Uſe and Service to you; Men who were perſecuted by King *Charles* and King *James* either in their own Perſons, or in the Perſons of their Friends, who were fin'd, impriſon'd, and ſome of their Relations hang'd in thoſe Reigns, are more likely to act in earneſt againſt King *James*, and in the ſupporting your Majeſty and your Government, than thoſe who had their Fortunes and their Families rais'd by King *James* and his Brother King *Charles*, and who hope to be rais'd yet more by his Return, or at leaſt to ſecure in his Government what they have got in this, by obliging him and his Friends, at the Price of ſacrificing you and yours.

For

For Example: Is it reaſonable to believe the E. of *N.* whoſe Father and Family was rais'd by King *Charles* and King *James* for proſtituting the Law (and his nauſeous Rhetorick) to the Deſigns of thoſe two Brothers, who himſelf was a Privy-Counſellor with Father *Peters*, and choſen by King *James* at the time of the Revolution to treat with your Majeſty at *Hungerford*, in order to delay your Progreſs to *London*; and laſtly, who ſo violently oppos'd your Majeſty's being crown'd King, as to lay an eternal Obligation upon King *James* by it: I ſay, Sir, is it reaſonable to believe this Gentleman ſo proper a Secretary of State to your Majeſty, as the Earl of *S.* who hath ſo mortally diſoblig'd King *James*, in being ſo early, and ſo zealous in your Intereſts, who went at the Head of that Meſſage to King *James* wherein he was requir'd to retire from *Whitehall*; who hath ſince that been ſo inſtrumental to place and preſerve the Crown upon your Head; and hath, in a word, broken all Meaſures ſo with King *James*, as to leave no poſſibility of a Reconciliation to him, and conſequently hath no Retreat from this Government, but is oblig'd in common Senſe to ſerve your Majeſty faithfully and zealouſly?

Or can your Majeſty think Mr. *K.* who (it is generally ſaid) believes himſelf the Son of King *J.* and it is known by all the World, owes his Fortune to him; who (if we may believe Report) at the time of the Revolution, agreed with Captain *Toſyer*, to carry the Ships he then commanded in the *Straits* to King *James* in *France* (had not the common Sailors very rudely oppos'd the Project) who after this acquitted himſelf ſo ill at *Cadiz*, in letting the *Thoulon* Squadron paſs by him in his ſight, without fighting them; and to conclude, hath made ſo unaccountable a Campagn of it this Summer: Can your Majeſty (give me leave to ſay, Sir) think this Gentleman (after all this) fitter to command the Fleet of *England*, than Mr. *R.* whoſe Provocations to King *James* are never to be forgiven by him; who was one of the moſt inſtrumental Men in *England* in placing you upon the Throne; who laſt year gave you the greateſt and moſt glorious Victory that ever was obtain'd by us at Sea; and whoſe Courage, Conduct and Fidelity the Parliament of *England* hath unanimouſly atteſted?

And now, Sir (if I may preſume ſo far) will your Majeſty be pleas'd to examine what Honour, what Profit hath accru'd to you, or the Nation by your employing theſe Gentlemen who have of late been at the Head of the Miniſtry. For God's ſake, Sir, caſt up the Account of the laſt four Years Management, and ſee what You have gain'd by changing Whigs for Tories: Have not your Affairs gone backward both at home and abroad? Have not Miſmanagements been multiply'd? Have you not cool'd your Friends, and yet not gain'd your Enemies? Do not almoſt all the Tories you employ drink King *James*'s Health in your Wine, and ſerve him in your Offices? Do they not obſtruct all Buſineſs which ought to be diſpatch'd, and diſpatch all Buſineſs which ought to be obſtructed? browbeat your Friends, and delay them in their moſt juſt Pretences, but comply with your Enemies in their moſt unreaſonable Demands; nay, connive at their Cabals and Conſpiracies, and ſnatch them out of the Hands of Juſtice, when the Law hath ſentenc'd them to Death for their Treaſons? Would not ſuch Miniſters and Friends as theſe be leſs dangerous to you, when profeſſed Enemies, nay in Arms againſt you in the Field, than in your Council, Cabinet and Offices? Undoubtedly they would.

But I know the common Anſwer to all theſe kind of Complaints is, That it is more eaſy to find Faults than Remedies. If you pleaſe therefore, Sir, we will conſider of Remedies, and I think there may be ſome found out both eaſy and certain, and they are theſe: Firſt, Sir, be pleas'd to remove from your Perſon, Council and Offices of Truſt, Men bred up and confirm'd in Principles deſtructive to our *Engliſh* Government, and hateful to your People; and to diſcountenance all State-Projectors, and Mountebank-Miniſters, who make Wounds in the State to recommend their Balſam: Throw out, Sir, theſe Achans to be ſton'd by the People, who will otherwiſe, I fear, prevent God's Favour to you; who blaſt your Succeſs abroad, and rob you of the Affections of your Subjects at home, with their accurſed thing, I mean that Tinſel Power with which theſe Miſcreants dazle the Eyes of Princes, and lead them out of the right way. God is diſpleas'd with it: For uncontroulable and unaccountable Power is the Right and Attribute of God alone; and (as the Scripture tells us) *He will not give his Glory unto another; nor ſuffer thoſe to act as Gods, who are to die like Men.* Your People alſo will be diſpleaſed with a Deſpotick Power; for the Kings of *England* are bound by Laws, by mutual Compacts, *&c.* (as you your ſelf, Sir, have ſet forth moſt unanſwerably in your Declaration when you came over) and if theſe are broken, *Engliſh-men*, who believe themſelves Subjects to the Crown of *England* (as by Law eſtabliſh'd) and not Slaves to any particular

ticular Perſon (*a*); they become impatient, angry, and at length perhaps unreaſonable. And whenever they ſee their King beſet with Miniſters of Lawleſs Principles (thoſe wholeſale Merchants of arbitrary Power) they grow miſtruſtful and uneaſy, and are apt in ſuch Caſes to ſhut their Purſes, and open their Mouths. And give me leave to ſay, Sir, had not the People been made apprehenſive and jealous, by ſeeing theſe Men in the Miniſtry, whoſe miſchievous Methods they were ſo well acquainted with, and did ſo much abhor; no general Exciſe, no Loans, no Powers would have been thought by the People of *England*, too much to have intruſted you with; ſo highly they eſteem'd your generous Relief of them, your unequal Courage, and the many other admirable Vertues they ſaw ſhine in you. An *Engliſh* King is the greateſt Monarch upon Earth, when he reigns in the Hearts of his Subjects; and all other Methods to Power and Greatneſs have been found ineffectual in *England*. I remember I once ſaw written over a Mercer's Shop, *Keep thy Shop, and thy Shop will keep thee:* and tho it be a homely Alluſion, it is very applicable to the preſent Point; *Keep your Laws, Sir, and your Laws will keep you*; ſupport your People in their Rights and Liberties, and Queen *Elizabeth* ſhall paſs her Royal Word for them, they will ſupport your juſt Prerogative at home and your Honour abroad. And, Sir, by the way, do not let your Flatterers give you a cheap Opinion of a Power deriv'd from the People; for it is undoubtedly from their Conſent, that all Power muſt come: Nor let them make you uneaſy that your Title to the Crown is from the univerſal free Choice of the Commons of *England:* Believe me, your Miniſters, nor the two learned Biſhops who have ſcribled upon this Subject, will ever be able to find you a better.

In the next place, diſcharge all Jacobites and Trimmers from Offices of Truſt: For ſuch as either deſire King *James*, or from their Fear, or Wiſdom, endeavour to deſerve from him (ſo much as their Pardon) I humbly conceive are unfit for your Service at this Juncture; tho when the Government is more ſettl'd, I am for entertaining all who give Proofs of their Penitence for their paſt Actions and Opinions.

But, Sir, Purgatives will not alone perfect the Cure of your Government, and reſtore it to perfect Health: you muſt make uſe of Alteratives too, there muſt be a Change of Meaſures, as well as a Diſcharge of Men: And the Method I would humbly offer is this.

Firſt; To make the Intereſt of *England* your chief Deſign and Aim; and ſince you are an *Engliſh* King, to become intirely an *Engliſh-man*. *England* is a Nation jealous of Rivals in her Prince's Favour, and thinks her ſelf deſerving of all his Care, and all his Careſſes. If the People of *England* think you have a favourable Opinion of them, they will endeavour to deſerve it; if not, they may perhaps deſerve your worſt Opinion too. This Humour of the Nation Queen *Elizabeth* found early, and apply'd her ſelf ſo happily to it, as by this ſingle Point to maſter all her Difficulties (the greateſt it may be that ever Prince had to ſtruggle with); whereas her Succeſſors, by contrary Meaſures, brought themſelves into very unfortunate Circumſtances.

In the next place, Sir, let me deſire you to avoid concerning your ſelf in Elections of Members in Parliament, or influencing them when choſen: the Parliament is a ſacred part of the *Engliſh* Conſtitution, and like the *Iſraelites* Ark of old, is not to be touch'd profanely, but with great Danger to thoſe who touch it ſo. And therefore, Sir, it will be your true Intereſt to leave the People free to their Choice, and the Members free to their Opinions when choſen. It is ſtill freſh in our Memories, how much the Practices of the late Reigns in corrupting Elections, and Cloſeting Members of Parliament, enrag'd the Nation, and they had reaſon to reſent it; for if (for the ſake of a Vote) a Member of Parliament ſhall be plac'd in an Office of Truſt he is not fit for, this is deſtroying the Government two ways at once: For, to ſpeak in the Phraſe of the Miniſtry, it is making a Parliament of Clouts, and an Officer of Clouts at the ſame ſtroke. Rejecting Bills offer'd by Parliament of publick Benefit, and for ſecuring our antient Government, and the Fundamental Rights of the Subject, was highly diſpleaſing to the Nation alſo in the late Reigns, and will be ſo in all Reigns: As was likewiſe the denying the People their undoubted Right of frequent Parliaments. They had alſo in the late Governments an Invention to make a Pump of the Parliament, and by pouring in a Pint of Water, to fetch out a Tun: This

(a) *Otherwiſe King* James *would have a fairer Pretence, than I hope we ſhall ever allow him.*

was

was juſtly moſt provoking to the Nation, and treaſur'd up Wrath againſt the Day of Wrath.

The refuſing of Bills, and the Contempt of Addreſſes from the Parliament againſt Miniſters, or in any other Caſes, hath likewiſe given great Offence in former Reigns. For tho the Houſe of Commons, ſeconded by the Houſe of Lords, cannot reach the Life or Eſtate of any Perſon, but by a full Proof in form of Law; yet becauſe it is ſo difficult a matter to come at ſuch a Proof, a Vote of the Houſe of Commons againſt any Miniſter, hath always been eſteem'd by all Kings (who were well with the People) a ſufficient Reaſon for the removing them from Court: and I have heard that our King *Henry* the Fourth (a warlike and wiſe Prince) upon an Addreſs from the Parliament againſt ſome of his Miniſters, reply'd, *I know no Evil by theſe Men; but if they are thought unfit by my Parliament for my Service, I ſhall not think fit to continue them in it.*

All theſe things, Sir, therefore are moſt carefully to be avoided by your Majeſty: They will appear with a worſe Grace in you, who have declar'd and made War againſt theſe Practices, than in your Predeceſſors. For as St. *Paul* ſays, *Thou who haſt ſaid, Ye ſhall not commit Adultery, doſt thou commit Adultery? Thou who haſt ſaid, Ye ſhall not ſteal, doſt thou ſteal?* You muſt by no means, Sir, give this occaſion of Clamour and Recrimination to your Enemies. But be pleas'd to follow this General Rule, always to beware of the Miniſters, and to avoid the Schemes and Counſels of King *Charles* and King *James*'s Government, and then you can ſcarce err: For whatever is oppoſite to their Principles and Practices, is the direct Road to your Security and Succeſs.

In the next place, Sir, let Rewards and Puniſhments be duly and impartially diſtributed; this is a Rule to which all Ages and Governments have paid the greateſt Reſpect and Obſervance, and to which the preſent Monarch of *France* does chiefly owe the Proſperity of his Affairs: and without this Principle no Government can ſubſiſt. Your Miniſters who ſerve you well and faithfully, muſt be diſtinguiſh'd from thoſe who betray you, or ſerve you careleſly and idely; and not ſmil'd or frown'd upon, as they are ſupported or perſecuted by this or that Party or Faction. (And by the way, Sir, a Prince in *England* that rules according to the Laws and Intereſts of his People, will never have occaſion to make his Court to any Party or Faction; nor can any Miniſter of any Party ſerve you againſt the Intereſt of the Nation.) Let your Soldiers be encourag'd, and prefer'd according to their Bravery and Abilities, without Favour or Affection: The braveſt otherwiſe will follow the Example of Cowards, if they find they have no Advantage over them by their Courage; for all Men would be Cowards if they durſt. To an *Engliſh* Soldier a Smile or a kind Word is as acceptable at ſome times as a Month's Pay; and if you will condeſcend to a Commendation of what they do well, they will endeavour on the next occaſion to exceed what they did before: For if you are once Maſter of their Love, you are ſure to have the Diſpoſal of their Lives. Nor need you fear to puniſh them ſeverely, provided you reward them bountifully. Let the Inſolence of your Enemies be rebuk'd, and Rebels and Traitors to your Government be ſeverely puniſh'd, and not courted and careſs'd; for in the preſent State of Affairs all Mercy to your Enemies is Cruelty to your ſelf and Friends: and it encourages your Enemies, and diſheartens your Loyal Subjects, to ſee theſe Inſolents brave the Government unpuniſh'd, and to ſee your treacherous Miniſters ſolliciting the Pardon of every condemn'd Traitor; and making their Court to King *James* at the Price of your Safety, is moſt provoking to every good Man. Beſides, it looks like your having a Doubt of your own Right and Title to the Government, to be thus backward in aſſerting it; and is ſo interpreted by the Jacobites.

Intelligence is another Point of mighty Conſequence, and can ſcarce be purchas'd too dear: For it is the Soul of Government, and directs all its Actions properly, and without it you conſult in the dark, and execute blindfold; you know not what to act, what to fear, where to attack, or where to defend. I do not mean by this that we are to penetrate into the *French* King's Counſels, or rifle his Cabinet, that I am afraid is out of the reach of our Power, and of our Purſe: But I cannot but think we may be able to know the Marches of their Armies, and the Motions of their Fleets, without ſelling our Souls to the Devil for Intelligence, or breaking our Exchequer.

Thus, Sir, I have ſet before your Majeſty, what, in my poor Judgment, is for your Intereſt to purſue, and what is for your Service to avoid; what will make your Majeſty and this Nation happy, what will make both unhappy: and I heartily pray

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the great, good and wiſe God, to direct, bleſs and proſper your Majeſty in all your glorious Deſigns for the Defence of theſe Kingdoms, and of *Chriſtendom* againſt the common Enemy. If I have us'd too great a Freedom, or have offended in what I deſign'd for your Service, I am ſorry for it: I call God to witneſs, my Plainneſs proceeded from my Zeal and Affection to your Intereſts, and the Proſperity of your Affairs, and not from any factious, ſaucy or unmannerly Principle. I wiſh ſome abler Pen had taken upon him this Part. But I muſt own, it provok'd me to ſee my Country and my King ſo forſaken; the one of Advocates, the other of honeſt Counſel: and this urg'd me to take upon me theſe two Characters, of Advocate and Adviſer, both which I confeſs my ſelf very unfit for: Not, but that as I ſaid in the beginning, I take it to be the Privilege, nay and the Duty too of every *Engliſh* Subject (provided it be perform'd with a decent and due Reſpect) to lay before the King ſuch Matters as may be dangerous to his Perſon or Government, to be conceal'd from his Knowledg (for we are not ty'd up in *England* to *Spaniſh* Forms, where the King muſt be wet to the Skin, if he whoſe proper Office it is be not in the way to put on his Cloke.) And I beg your Majeſty to believe what I have ſaid is from a Faithfulneſs and Sincerity, which will in all Accidents and Difficulties preſerve me unalterably,

Your Majeſty's moſt Loyal, moſt

Dutiful, and moſt Obedient Subject.

To the honeſt Engliſh Proteſtant READER.

Honeſt Reader,

AT the beginning of the late Revolution, I dare ſay, it was not expected by thee or me, That it would have been neceſſary in this Reign, to have enter'd into Arguments, whether the Principles of Whig *or* Tory *are moſt agreeable to the Conſtitution of the* Engliſh *Monarchy, or which Party were to be choſen for the Support of our preſent King and Queen. But ſuch is our Fate, that I am afraid it requires an abler Pen than mine to convince ſome, who it is highly neceſſary ſhould be convinc'd, that any of the Meaſures of the late Reigns were miſtaken; they are taught to believe thoſe Monarchs in the Right, nay even thoſe evil Counſellors too, who were ſo maul'd in the Declaration of* 1688. *and none are Rogues and Villains, and deſerve to be hang'd, but thoſe who were moſt active in the bringing the preſent King and Queen over, and in ſettling the Crown upon their Heads. I thought it therefore high time that this Matter ſhould be ſet right; and in order to it, that the Principles and Practices of* Whig *and* Tory *ſhould be truly and impartially examin'd; which I have endeavour'd to do to the beſt of my Knowledg, and ſhall be well pleas'd to ſee any other do it better from my poor Hint. I acknowledg the Looſeneſs of the Stile, the want of Method in the following Paper, and the many Repetitions this Dialogue-way of writing is liable to, will lay it open to the Laſh of every Pedant and Schoolmaſter. But know, I write not for Fame, or out of any Vanity of being an Author;* and therefore I come not to you, *as the Apoſtle ſays,* in the enticing Words of Man's Wiſdom, but in Plainneſs and Truth, *&c. I have ſtated the Matter ſo fairly, that ſome of the* Tories *may be Fools enough perhaps to think I have given them a Victory (and triumph as their Admirals did in their being Gazetted, becauſe the Council was ſo favourable, as to ſuffer them to paſs for miſtaken Blockheads, inſtead of wilful knaviſh Liars) But indeed I thought the* Tories *had ſo weak a Plea, that I might well allow them to make the moſt of it, and have left nothing unſaid which I have ever heard them ſay in their Defence. What they have done the honeſt People, and the Intereſt of* England *moſt Miſchief by, is that Sham of a* Commonwealth, *which I have in the following Diſcourſe (I hope) convinc'd all honeſt Men is a falſe Notion, impracticable and impoſſible in* England; *however this is the Breaſtwork which they have always cover'd themſelves with, when they deſign'd to fire upon the Rights and Privileges, the Laws, Liberties and Properties of their Country: And whenever they do raiſe this Breaſtwork, we muſt endeavour to beat it about their Ears; I am ſure it is too weak to reſiſt any Attack, and I hope (as* Bays *ſays)* they fly, they fly, they fly, who firſt did make that Lie. *What I have here written, is with an honeſt Deſign of doing Service to my Country; and if it either happens*

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to inform or convince any to embrace the Publick Intereſt, and the common Good of themſelves and Fellow-Creatures, I have my end. And for the Tory Criticks, *they may bite till their Teeth meet thro my Book, yet I ſhall be as inſenſible of their Malice, as they have been of the King's Mercy, Favour and Friendſhip to them. I will comfort my ſelf, honeſt Reader, that I have thee on my ſide; and ſo long as thou doſt continue firm in the ſupport of the* Engliſh *Laws and Liberties, thou doſt build upon a Rock, againſt which, I hope, the Gates of Hell ſhall not prevail; and ſo long I will build upon thee, and hope for all Good from thee, and pray for all Bleſſings upon thee.* Adieu.

A Dialogue between WHIG and TORY, &c.

Tory. WELL met old Acquaintance; who would have thought ſeven years ago, to have ſeen you and I at *Whitehall* together in the ſame Intereſt?

Whig. In the ſame Intereſt; why, who thinks that now?

Tory. What, in one of your old peeviſh Fits? I thought now all things go to your Mind, you would have been in better Humour.

Whig. You were begotten, born and bred in Miſtakes, and I doubt not but you will continue ſo to your end: Yet you cannot be ſo groſly miſtaken ſure as to think all things go to any honeſt *Engliſhman*'s Mind; when you, who were the Tools of the two laſt Reigns, the Inſtruments of all our paſt and preſent Misfortunes, and the declar'd Cauſe of the War which brought on the late Revolution, are notwithſtanding the only Men courted by this Government. *Tories the Tools of the two laſt Reigns.*

Tory. I am afraid you will never be pleas'd with any Monarchical Government.

Whig. That is a Point I know you have been long endeavouring to put upon the World, but more induſtriouſly upon the Court; yet I wonder at your Impudence of urging it now, ſince it is ſo freſh in every man's Memory, how zealouſly the Whigs ſtruggled in the late Convention to ſettle the Monarchy, whilſt you conteſted as zealouſly to make it an Anarchy.

Tory. We will talk more of this by and by: But if you were ſo inſtrumental as you ſay in ſetting up this Government, why are you ſo out of Humour with what you have made your ſelves?

Whig. Diſappointment you muſt allow a juſt Cauſe of Reſentment. We hop'd from new Lords, new Laws, new Miniſters, and new Methods: but if ſtill we are to have the ſame Miniſters, and conſequently the ſame Methods, the very Tools of the two laſt Reigns, and conſequently the ſame Work; this I take (in my Lord *H*——s Phraſe) to be a Change, without an Alteration; and, in my Opinion, gives too juſt occaſion of Diſlike: and I cannot but think this way of managing Affairs, muſt end unhappily, both to Prince and People.

Tory. But how come you and I to be ſo concern'd either for the Proſperity of Princes, who never think of us, but as we can ſerve ſome preſent Turn of theirs; or for the Intereſt of Mob, who will ſing Ballads upon us under the Gallows, when we are hanging there for their ſakes? Prethee *Whig*, grow wiſe, and do not torment thy ſelf thus with State-Affairs; let Princes take care of themſelves, and the People of themſelves, and let us take care of ourſelves. My Method is, to get what I can, and let Courts do what they will.

Whig. Why then, Sir, with your leave, your Method is as fooliſh as it is knaviſh: For whoever ſells his Country to a lawleſs Power, leaves himſelf nor his Family no Certainty, no Property in what he hath gotten by his Treachery; nay, his Eſtate is as often the Snare, as the Comfort of his Life. It proves ſometimes a *Naboth*'s Vineyard, and makes him the Eye-ſore of ſome hungry Court Favourite. And I would ask, Whether a ſmall Eſtate fenc'd about with Laws, and the Poſſeſſion thereof ſecur'd to you and your Family, is not of more Value, than a much *The Method of the Tories cenſur'd.*

greater Revenue, of which you cannot assure your self the Possession one minute? Your Forefathers thought the Laws and Liberties of *England* worth their Care and Contest, and waded thro Rivers of Blood to leave them in force to their Posterity. And the Church once made it an Article of their Religion, *Nolumus Leges Angliæ mutari:* But thou dost renounce all the Principles of Humanity, of common Sense, and of Religion, and oughtst to be driven out of a Country which thou makest open Profession to sell and betray. And as for what you say of the Ingratitude of Princes and People, the one to his faithful and affectionate Subjects, the other to their zealous Patriots; this does not discharge you from your Duty to either. But (in answer to the first) if you will serve Princes no farther than you serve your Country in serving them, that Service will always reward it self; and for the Mob, as you are ever pleas'd most mannerly to call your Countrymen and Fellow-Citizens, if any prove so sordid as you alledg, I shall answer you in the words of our Saviour, *Forgive them, for they know not what they do:* And let his Example teach you better Principles, who, notwithstanding all the Scoffs and Indignities he met with, laid down his Life upon the Cross for the Benefit of Mankind. But your Principles make you the Triumph of Heathens, and bring you upon the same foot with brute Beasts.

Tory. Come don't tell us Stories of our great Grandsires, who troubled themselves about Trifles: There is a Fashion in Government (as well as in Clothes) which must be comply'd with, according to the Humour of the present Age; and you may as well pretend to shape all Gowns by Queen *Elizabeth*'s Fardingale, as to shape our Court, or Counsels according to the Sentiments of that or other times, which were as different too from one another, as we are different from them.

Laws to be prefer'd to Will and Pleasure.

Whig. As for your Fashion of Government, Mr. *Tory*, I hope it is either gone to the Grave with King *Charles*, or to *France* with King *James*; and could heartily wish you would follow it to either Places: But pray before you go, let me ask you in what Age or Time it was, that Men of Sense, or Men of Honour, did prefer Will and Pleasure to Laws, or Slavery to Freedom? As I take it, the Principles of Liberty and Property have always been in fashion amongst Men of Sense and Estates in *England*, and ever will be. But your Principles can never find Professors but amongst Fools and Beggars.

Tory. Whatever our Principles are, you find both them and us prefer'd to you and yours, even by a Government of your own chusing; and let that satisfy you as an Answer to that Point.

Whig. Not at all; that only proves a Mistake somewhere; and where the Mistake is, if you please, we will inquire: and I think it will best appear by examining the original Rise, Principles and Practices of both Parties.

Tory. Come on then, a clear Stage, and no favour.

The Rise of Whig *and* Tory.

Whig. As for your original Rise, 'tis certain, you owe your being known in the World, to the horrid and execrable Designs of the two late Kings to set up arbitrary Power and Popery amongst us; then were all the Jails, Brothels, and Kennels rak'd for Villains of sear'd Consciences and desperate Fortunes: your *Arl——ns*, *Clif——ds*, *Os——s*, were then thought upon for Ministers of State; and under them were bred such a pack of Wretches, as the Court of *Tiberius* would have been asham'd of. In the Law they were of the same sort with the Ministry: What Age can parallel your *N——ms*, your *N——ths*, your *Jeff——ys*, *Sc——gs*, *Rain——ds*, *Wri——s*, &c. and their under Managers *Gra——m* and *Burt——n*? &c. Then as to the Pillars of what they then call'd *the Church of England*, tho so disguis'd at that time, that it was scarce known by its most dutiful, most affectionate, and most pious Children; I need say no more of them, than that they were compos'd of Bishops, and a Clergy prefer'd by two Kings, who were about to set up Popery and Tyranny; and therefore were to chuse such Men into the Government of the Church, who they thought would be most complying with those Purposes, and whose Looseness of Morals might bring most Discredit upon the Protestant Religion: and whoever remembers *Park——r*, *Cart——t*, or knows *Cr——w* and *Wat——n*, will (I think) be of the Opinion they were not ill chosen for the abovesaid Purposes.

Tory. But you see whatever Purposes they were chosen for, several of the Bishops oppos'd Popery with the greatest Bravery imaginable.

How the Clergy oppos'd Popery.

Whig. True, they did oppose a Popish Clergy being brought into their Bishopricks, Churches and Colleges; and who but a mad Man would have expected any other from them? But did they ever stick at any thing that might advance arbitra-

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ry Power over the Laity? Did they not conjure the People to Paſſive-Obedience, Non-reſiſtance? *&c.* Did they not tie us Hand and Foot, and throw us like *Daniel* into the Lions Den? Nay, did they ever ſtick at building his Popiſh Church for him, whilſt he contented himſelf to make uſe of their Hands? Bat when they ſaw that after they had gone ſo far in the Service, others were taken in to finiſh the Work, and to reap the Fruit of what they had ſow'd and planted: This was indeed intolerable, and then it was, and not before, that they begun to make a noiſe about the *Proteſtant Religion* and *Engliſh Liberties*, and to preach backward all their former Sermons.

Tory. But you cannot deny but that they were very inſtrumental to the Revolution.

Whig. I own they were for ſome time, like Fiſhes who have got a Worm in their Heads, they did friſk and leap out of their own Element; but like them too, they ſoon plung'd into it again; for King *James* was ſcarce got to *Feverſham*, before they repented what they had done, and from that day to this have given all the Proofs and Marks of an invincible Hatred and Enmity to the preſent Government: They oppos'd the King's coming to the Crown, fell into Cabals for the weakning his Government when he was King, and rais'd Rebellion without, and Plots within the Kingdom for the reſtoring King *James*, *&c.* Nay, at this time it is undeniable, that whenever the Clergy are moſt numerous, the *Jacobites* are moſt numerous too; there are more *Jacobites* ten for one in every Cathedral Town, than in any other Towns, accounting number for number: And how the Univerſities are generally diſaffected to this Government, is notorious; they reproach and rail againſt the very Biſhops and Clergymen prefer'd in this Reign. The Archbiſhop of *Canterbury* himſelf, whoſe Learning, Piety, and Excellencies of all kinds, are ſo eminent, that it ſeems impolitick in them, as well as unjuſt to reproach him; yet him too do they rail, ſcoff at, and treat with the fouleſt Invectives. In ſhort, thoſe who every day piouſly attend the Service and religious Worſhip of the Church, who moſt frequently are Communicants in the holy Sacrament, theſe they will notwithſtanding call *Presbyterians*, *canting*, *whining Hypocrites*, &c. and eſteem none ſound Members of their Body, but thoſe who drink with them, and come up to all their higheſt Points of Dominion, Tyranny and Uncharitableneſs to all thoſe who are not of their Faction: I will not call it their Church, becauſe I think it a Diſhonor to the beſt Reform'd Church in the World, to be ſerv'd by ſuch a Clergy as are not only a Scandal to the Name of Proteſtant, but to the Name of Religion; and who, under the Title of Proteſtant Prieſts, are labouring with all their Power the Return of King *James*, with his Popery and Slavery, and preach and pray openly for his Reſtoration, whilſt no Exhortation for Obedience to our preſent King, our great Deliverer from Popery and Slavery, is heard from any Pulpit, no Paſſive-Obedience nor Non-reſiſtance is nam'd in this Reign: And if for the ſake of their Livings they are forc'd to pray for the King and Queen, it is in ſo faint and low a Voice, as if they had no mind to be heard either by God or the People.

Tory. Some few diſcontented Perſons there may be perhaps, who may deſerve this Character, but I hope you do not lay this Charge upon the whole Clergy of *England.*

Whig. No, I know there are many religious, learned and good Men amongſt them, and there will I hope be more if this Government continues: But that the Number is not ſmall who have refus'd the Oaths to this preſent Government, you cannot deny; and that moſt of the high Church, as they call themſelves, thoſe who (as a learned Doctor ſaid) have the *Spirit of the Church* in which they were bred, tho they will not ſay with St. *Paul*, they have the *Spirit of God* *: Moſt of this Order, I ſay, profeſs to take the Oath of Allegiance to this King, as he is King *de facto*, not *de jure*. And by the Example of theſe Reverend Clergy-men, the Lay-Knaves and Fools are directed to take Oaths with mental Reſervations, and private Interpretations and Diſtinctions. And having no Principle but that of Self-Intereſt, in which caſe you ever renounce all Juſtice, all Humanity to your Fellow-Creatures; you profeſs Slavery to ſome, that you may lord it over others; yea renounce and trample upon all Laws to ſerve a Turn, make a Jeſt of Liberty and Property: And to gratify your Pride or Avarice, you have betray'd your Country, perſecuted and murder'd your innocent Countrymen and Fellow-Citizens,

Tories inſtrumental in the Revolution for ſome time.

The Clergy now prefer'd, rail'd at by the Tories.

How the Oath of Allegiance is taken by many to K. W. and Q. M.

* *The firſt Inſtance I have met of their Modeſty.*

ſold your Neighbors to the *French* King, and your Laws and Religion to the late Kings; and even from the ſame Principles have been endeavouring to bring about the ſame Practices in this Reign too; and in order to it, have been tempting your Lord and Maſter, in the Language of the Devil to our Saviour, *All this will I give thee, if thou wilt fall down and worſhip me:* and I hope he will anſwer you in his words upon that occaſion, *Thou ſhalt not tempt the Lord thy King.* Thus have I given you in few Lines an account of the Riſe, Principles and Practices of your Party, with which I could fill a Volume: But I conſider the Nation needs only a general Hint to refreſh their Memory to Particulars. For the Smart of the Wounds receiv'd in the late Reigns from you, is yet moſt ſenſible to many honeſt *Engliſh*-men.

Tory. If this Devil of a *Tory* be ſo black as you paint him, I wonder how he comes by ſo fair a Character, and ſo numerous a Party in the Nation, and ſo great a Countenance from all Courts of contrary Intereſts.

How Tories *come to be ſo numerous, and in favour.*

Whig. Fair Appearances, and great Numbers prove nothing; the leudeſt Strumpets are often fair, and Fools and Knaves have in all Ages out-numbred the Wiſe and Honeſt. How ye *Tories* came to have ſo great a Countenance from the laſt Court, I have already ſhew'd, and will (ſince you command me) ſhew you how ye became the Favourites of this Court too, even by the ſame Means, and the ſame Man, that made you Favourites in King *Charles*'s Time. For the M. of *C.* after all his miſchievous Management of Affairs in that Reign, having by an ill Fate to this poor Nation, got into ſome ſmall pretence of Merit, by little Aſſiſtances he gave to the late Revolution; upon this he ſets up again for Miniſtry. But being apprehenſive that thoſe honeſt Gentlemen, who had ſo bravely expos'd their Lives and Fortunes for the Redemption of their Country, and were ſo well acquainted with his Methods in the late Reigns, would be jealous of his having too great a Credit with the King, he thought it his beſt play to begin with them; and from his firſt coming to Court, labor'd to inſinuate Jealouſies into the King of thoſe Gentlemen as *Commonwealths-men, Haters of Monarchy*, &c. and having likewiſe an implacable Pique to Parliaments, for their Impeachment and Impriſonment of him, he at the ſame time repreſents that part of the Government envious of the King's Power, and always endeavouring to make him a King of Clouts, a Duke of *Venice*, &c. Thus by miſrepreſenting the King's beſt Friends, he made way to bring in his old Practices, and his old working Tools (whom he repreſented to be Men of Buſineſs, and Friends to Monarchy) into this Court too; and being aſſiſted afterwards by the E. of *N.* and ſome others, ye have indeed carry'd all before you: and how much to the Intereſt of the Nation, and the Honour of the King, let all the World judg, who have ſeen this poor Kingdom every year for this laſt four years brought to a reaſonable Apprehenſion of being invaded from Abroad, betray'd at Home; and in a word, to ſubſiſt only by a Miracle.

Tory. All this rambling Story you have told is a wild Suppoſition, and ſtraining the Intention of this noble Lord to your own malicious Purpoſe, who deſign'd nothing more in bringing in theſe Gentlemen you call the King's Enemies, than by reconciling them to the King and his Government, to make the Foundation of it broader and deeper: And I know not how this comes to be ſuch a Crime, and ſo ill Policy with us. I have heard, that *Henry* the Fourth of *France*, who was eſteem'd a wiſe and politick Prince, thought it very good King-craft, to careſs his Enemies of the League, and to make his Court to the Jeſuits.

Henry IV. *of* France *deſtroy'd by the Leaguers.*

Whig. And pray, what did he get by it? Did he ever gain either of them heartily into his Intereſt? Were not thoſe of the League ever ready to plot with the *Spaniard*, &c. againſt him? And for his dear Friends of the Church, not all his Renunciation of his old Religion, and his old Friends; not all his Gifts, his Careſſes, and his Courtſhip could reconcile them to him, or ſo much as ſave his Life, when they had it in their Power to deſtroy it. For thoſe jealous Gentlemen, the *Jeſuits*, never would believe they had his Heart, till it was ſent them in a Box to *La* Fleche* to be buried there.

Tory. But notwithſtanding your *Jeſuits Tale of a Tub*, I will undertake that all the *Tories* (as you call them) in *England*, both Clergy and Lay-men, ſhall take the Oaths to the King, and ſerve him heartily, provided he will do one thing.

Whig. What's that?

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* *A College of Jeſuits in* Anjou.

Tory.

Tory. Utterly diſcard you *Whigs*, and give us the Penal Laws again upon the Fanaticks.

Whig. And would that make the Foundation of the Government broader and deeper, as you talk'd juſt now? Beſides, have you not heard a Story of one *Sampſon*, Sir, who after he had reſign'd his Lock of Hair in which his Strength lay, was deliver'd up to his Enemies by thoſe he had truſted? But ſuppoſing what you propoſe (if granted) might win you to be *Williamites*, were King *James* dead; yet I am miſtaken, if whilſt he lives, and the King of *France* continues as powerful as at preſent, you will ever be drawn by any Courtſhip, to engage ſo far in the Intereſts of this Government, as to ſwear otherwiſe to the King than as King *de facto*, nor will you make your Reconciliation to King *James* deſperate. Anſwer to this Point plainly and truly.

Tory. Wiſe Men will always ſecure a Retreat; and Self-preſervation is a firſt Principle with all Men. And as a Gentleman ſaid wittily upon this occaſion, as long as the Government can maintain it ſelf, and will maintain me, it is ſure of me: But I have liv'd too long at Court to die a Martyr for any Monarch, and will always behave my ſelf ſo in one Court, as to be well with the next. And tho perhaps this is not all that this Government might reaſonably wiſh from us, yet I can tell you they do not believe that they ſhall mend themſelves, by changing us for you, for divers and ſundry Reaſons.

Whig. Pray let us have ſome of them.

Tory. Firſt, becauſe you are for a Commonwealth-Government, and Haters of Monarchy.

Whig. That is, that we are mad Men, and void of all common Senſe and Reaſon; for whoever hath either of theſe, will know a Commonwealth to be a Chimera impracticable, and impoſſible to be brought about in *England*. If *Macchiavel* be of any Authority, he ſays, in his 55*th* Chapter upon Government, *That where there is not an Equality in the Conditions and Eſtates of a People, it is impoſſible for that People or Nation to erect and ſettle a Commonwealth.* He gives you Examples to confirm this, but I think there are ſome more to our purpoſe, as being more recent and nearer home. Upon the Revolt of the *Low-Countries* from the *Spaniſh* Yoke, it was neceſſary for them to put themſelves under ſome Form of Government; and the Form being in their own free Choice, ſeven of the ſeventeen Provinces, who were a trading ſort of People, much upon an Equality in their Condition and Fortune, and had few Families of Nobility or Gentry among them, fell naturally into a Commonwealth-Government: But the other ten Provinces, having great numbers of Nobility and Gentry, tho they were more immediately under the Tyranny of the *Spaniard*, and had been more particularly ſenſible of *D'Alva*'s Cruelty and Oppreſſion, notwithſtanding choſe rather to continue under the hated Government of *Spain*, than to accept of the Invitation the other ſeven Provinces had made them of coming into the more hated Project of a Commonwealth; ſo impoſſible it is to reconcile Men diſtinguiſh'd by Titles and Fortunes, to mix themſelves in a common Level with the People upon any Conſideration or Diſguſt whatſoever. And whoever will look over what paſs'd here in *England* from the Year 1648, to the Year 1660, will be yet more convinc'd of the Truth of this Aſſertion, and of the Nonſenſe of any Commonwealth Deſign in this Nation. Perhaps there was never at any time ſo many Men of ſtrong Inclinations for a Commonwealth-Government as then, nor of greater Abilities to effect ſuch a Deſign: And yet they found the Nobility, Gentry and dignified Clergy ſuch a Rub in their way, as no Art, no Force could remove; and at laſt they were brought into that Confuſion and Diſorder by attempting it, that the very People and Army who were in this Project of a Commonwealth, and had overthrown the Monarchy in order to it, and could ſupport *Cromwel* in a ſingle Perſon, yet after his Death ſaw a neceſſity of reſtoring the Monarchy again, and aſſiſted towards it. But this was the Duſt which the two laſt Courts threw into the Peoples Eyes, when they would make them blind to arbitrary Power and Popery; and is now one great Artifice the *Jacobites* depend upon, whereby to ſeparate the Friends of this Government from its Support, tho it will always be a Jeſt to underſtanding Men. I have heard a Story of a Lady, who paſſing thro a Croud to her Coach, and having a rich Jewel on her Breaſt, cover'd the Jewel with one of her Hands; which a Pickpocket in the Croud obſerving, ſteps up to her, and claps his Hand upon a Place below, which he thought would oblige her to remove her Hand from her Breaſt, to defend it: But the Lady apprehending the Thief's Deſign, very prudently neglected the falſe Attack, and apply'd both her Hands to the

A Commonwealth impracticable in England.

How the Dutch *ſet up a Commonwealth.*

ſecuring

ſecuring her Jewel, and by that means came off ſafe. And ſo Gentlemen, whenever you make your falſe Attack upon our Commonwealth, we ſhall for the future take it for the Signal to us, that your real Aim is at our Liberties and Properties, and ſhall apply both our Hands and Hearts to the ſecuring thoſe Jewels of ineſtimable Price. But to be ſerious, in our caſe the *Whigs* (as I ſaid in the beginning of this Diſcourſe) have given ſufficient Proof how little they deſign'd a Commonwealth, and how hearty they were to the Monarchy, in their ſtruggling ſo zealouſly to ſet the Crown on the King's Head.

Tory. We own you were for giving him the Name of a King; but after all, ſpeak ſincerely, did you deſign to make him any more than a King of Clouts, a Duke of *Venice*, or a Stadtholder?

No Deſign to make the King a Duke of Venice.

Whig. We deſign'd to make him as great a King as the Laws of *England* and our antient Conſtitution make any King: And if you pretend to make him more, take the Honour of it. But, Sir, upon this occaſion your Party were for making his preſent Majeſty leſs than either a Duke of *Venice*, or Stadtholder of *Holland:* For in propoſing to make him a Regent, you make him only a Journy-man King, a Subject to King *James*, and accountable to him. But what the *Whigs* did to deſerve being ſuſpected of a Commonwealth Deſign, or of any Intention to leſſen the King's juſt Power, I am yet ignorant.

Tory. You are wilfully ſo then; for what could the meaning of the Convention be to ſettle the Revenue of the Crown from three Years to three Years, and to take away the Revenue of the *Chimny-Mony*, one of the faireſt Flowers of the Crown, but leſſening the King's Power, and making his Government precarious?

The Chimny-Mony become a Grievance.

Whig. The Chimny-Tax being grown a Grievance more ſenſible and more odious to the common People than any other; and the danger of being enſlav'd by giving ſuch great Revenues (for Life) to the two laſt Kings (by which they were inabl'd to maintain Standing Armies, and to ſubſiſt without Parliaments) was ſo freſh in the Memories of all thinking *Engliſhmen*, and ſo apprehended by them, that the King's Friends thought it greatly for his Service to take away the Burden of the one, and the Apprehenſion of the other from the People; and by uſing different Methods to thoſe which had been follow'd in the former Reigns, to make his preſent Majeſty's Government more acceptable to all good Men, and that he might hereby reign in the Hearts of his Subjects, and be diſtinguiſh'd by them: which Method, if purſu'd, would have given us a fairer proſpect of our Affairs, than at preſent I am afraid we have. But this is not the Intereſt of wicked Miniſters, who when Kings take theſe Courſes, loſe their Dominion over them: their Buſineſs is therefore to make Princes jealous of Encroachments of Parliaments, of Commonwealth Deſigns amongſt the People, to repreſent the King's Intereſt ſeparate from the Intereſt of his Subjects; and then to ingratiate themſelves with him, and raiſe themſelves in his Opinion for their Parts and Abilities, they offer him Schemes of Politicks, to prevent Deſigns againſt him which were never thought on. Thus theſe honeſt *Jago*'s firſt work a Prince up to Jealouſies and Hatred of his People, by falſe Suggeſtions; and then, as a Remedy againſt the Miſchiefs they have ſuppos'd, put him upon Deſigns ruinous to his Country and himſelf. But in the mean time, by appearing thus zealous for what they call the King's particular Intereſt and Glory, they inſinuate themſelves into ſome ſort of Princes Favour, they become Confidents of all Court-Intrigues, and grow great and rich; they diſpoſe all Offices, and cruſh all who are not their Creatures, and at laſt come to awe and govern Kings themſelves. As Waiting-Women, who when they have debauch'd their Miſtreſſes by their mercenary Sollicitations, and are become the Truſtees of their Frailty, they no longer taſt the Busk, nor bitter Reproofs for miſplacing a Pin or Patch; but from Servants become Miſtreſſes, no Faults are then found with them, no Liberty denied them; even the Purſe, and the rich Petticoat is abſolutely at the Waiting-woman's Service, till at laſt they bring their Miſtreſſes to Infamy and Beggary. And ſo to return to the Miniſtry again; by this kind of Management they make their Maſters Kings of Clouts, neceſſitous, miſerable and deſpis'd Princes. For Example; What made the late King *James* a King of Clouts, but thoſe evil Counſellors, who put him upon a Deſpotick and Diſpenſing Power, and propagating a Religion againſt Law; who put him upon preferring Papiſts and *Iriſh*, to Proteſtants and *Engliſh*; who advis'd his ſeizing Colleges and Charters, ſetting up High-Commiſſion-Courts, and making Parliaments and Laws a Noſe of Wax? Deny this if you can, Mr. *Tory*. Nay, as to your Idol-King, *Charles* the Second (who notwithſtanding I believe much

Deſigns of evil Miniſters.

Evil Counſellors ruin'd K. J.

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the worſe of the two Brothers, as ſinning againſt a better Underſtanding, and greater Obligations) was it not by theſe Counſels and ſome of theſe Counſellors, that this Gentleman was made a King of Clouts too, from having all the Advantages at the time of his Reſtoration that ever King was bleſs'd with? He was belov'd, delighted in, and courted by his Subjects; was reſpected Abroad, in Plenty and Power at Home, and could direct the Votes of a Parliament with a Nod (more than he could at laſt with his Exchequer) yet after all this, in a few Years, by the management of ſome of our preſent Evil Counſellors, who gave him ill Impreſſions of his Subjects, made him out of love with Parliaments, and poiſon'd him with lawleſs Power, and Love of Tricks (the worſt of Poiſons to an *Engliſh* King) who, for their own filthy Intereſt, perſuaded him to ſell *Dunkirk*, break the *Triple League*, and enter into meaſures with *France*, deſtructive to the Intereſt of this Nation, and of all *Europe*: By theſe Meaſures, I ſay, he at laſt became diſtaſteful to his Subjects, and was forſaken by a Parliament the moſt attach'd to him, and in love with his Perſon to a Fault; ſo that at laſt his Neceſſities drove him to become a Penſioner to *France* *. And if you will believe Mr. *Dryden*, his Poet-Laureat, he concluded his Reign in theſe miſerable Circumſtances of being [deſpis'd Abroad, and living on Tricks at Home.] And how theſe Gentlemens Father and Grandfather were made Kings of Clouts by the like Meaſures and the like Miniſters, by endeavouring at lawleſs Power, and laying aſide Parliaments, *&c.* even the Hiſtories of thoſe Times publiſh'd by their own Authority, make it out plainly. And now, Mr. *Tory*, if you pleaſe we will examine a little into the few Examples we have of Princes who have practis'd a contrary method to the before-mention'd one; we will inquire what Effects that ſort of Government hath produc'd, and we need go no farther, I think, than Queen *Elizabeth*'s Reign, the immediate Predeceſſor to the *Scotiſh* Race, to fetch a Compariſon that will anſwer all Objections: And to give the Beauty of her Government its due Luſtre, let us ſet it off with the Difficulties that attended it, and ſurrounded it in the beginning. Let us conſider her in the firſt place——of the weaker Sex,——a Woman——having no † rightful, tho a lawful Title;——— the greateſt part of her Subjects of a contrary Religion to her——The Queen of *Scotland*, her next Neighbour, a Pretender to the Crown———*Ireland* in open Rebellion: The King of *Spain*, the greateſt Monarch of *Europe* at that time, her mortal Enemy and Invader———Plots and Conſpiracies by the Papiſts againſt her at Home ——— And no Ally abroad but the *Dutch*, then an Infant State, and ſupported by her.———And yet we ſee this poor, weak Woman in the midſt of all theſe Diſadvantages, abſolute and uncontroul'd at Home, awful and glorious Abroad. This indeed ſeems very extraordinary; let us inquire therefore what Methods were then practis'd in order to the producing ſuch wonderful Succeſs: Was it by corrupting Elections, or making Penſioners of Parliament-men?——No, for her Courtiers pleaded (as well in bar of being Parliament-men as of being Sheriffs) that they were the Queen's Servants: So that by this we may reaſonably conclude there was nothing to be got by it in thoſe days.———Was it by imploying her Siſter Queen *Mary*'s Miniſters, or courting her Enemies the Papiſts?——No,——For ſhe made *England* too hot for the one, and adorn'd almoſt every Gibbet in the Nation with her Juſtice upon the other.———Was it by a Standing Army then?———Not that neither; for ſhe had no Army, nor no Guards, but her Gentlemen-Penſioners, and Yeomen of the Guard. I know you'l ſay, *How the Devil could ſhe bring Matters about as ſhe did, without uſing any of the admir'd Methods of our late Times?*——In good ſooth, even by ſo homely and plain a Receipt, that you'l laugh at me when I tell it you——Only——by loving, and courting the Love of her People, and not preferring *Scotiſh*, *French*, nor *Iriſh* Favourites to them (as in the late Reigns)———By being juſt to their Rights and Liberties, and devoted to their Intereſts——By rewarding bountifully, and puniſhing ſeverely———By incouraging honeſt Men, and——browbeating State-Projectors and Trickſters; Knaves who perſuade Princes, that their Intereſt is ſeparate from the Intereſt of their People;——who counſel them to ſtretch Prerogative, or be overfond of it;——who indeavour to breed unkind Thoughts in them to their beſt Friends and honeſteſt Subjects. This ſort of Gentlemen were out at Heels in her time. She, like a truly wiſe Woman, never ſeem'd fond of Deſpotick

K. Ch. II. at his Reſtoration the Darling of the People.

How a King of Clouts is made.

The Difficulties Q.E. had to ſtruggle with at firſt.

How Q.E's Reign became ſo happy.

Her wiſe Methods of Governing.

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* *A fine Character for an* Engliſh *King.*

† *A new Diſtinction our Stateſmen have lately found out.*

Dominion,

Dominion, nor of thoſe who flatter'd her with it, and put her upon it; for ſhe knew, that *Nolo Dominare* is the readieſt way to Power in *England*, and that it is ſooneſt *found of thoſe who ſeek it not.* ——— She — wiſely thought, that to be the *Deliverer of Europe*, was a greater Character than to be *Conqueror of it*; and that it would be more truly glorious to redeem one ſingle Town from Slavery, than to enſlave the whole World. Not like ſome of her Succeſſors, who (unworthy to be Sovereigns of the Noble Order the Kings of *England* wear) have choſen rather to be the *Dragon* than *St. George*, rather to deſtroy than to defend their Kingdoms.— She never took Mony from her Subjects, but ſhe gave them a Pennyworth for their Penny, and was ſeldom nice in affording them ſuch Laws as they thought neceſſary to their Safety. For being well aſſur'd of her own juſt Intentions, ſhe never ſuſpected theirs. And thus at laſt ſhe got an abſolute Power even over the Laws,— as a good Wife gets a Power over her Husband, by loving and obeying him. And now I think I have ſufficiently exemplified what ſort of Miniſters and Methods they are which make Princes great and glorious Monarchs, and which make them Kings of Clouts. And whether this latter Character belongs to the *Whig* or *Tory*, I ſubmit to the Judgment of every impartial and reaſonable Man. But go on with your Charge.

Tory. It is objected againſt you *Whigs* alſo, that you do not love the King's Perſon.

The Whigs *Lovers of the King's Perſon.*

Whig. What an Accuſation haſt thou blunder'd upon, thou very *Iriſh Tory*, thou eternal Trifler! Not love the King's Perſon!——'Tis a Thought fit only for a Chamber-maid, when the Chaplain or Valet offer their Service to her. Kings are to be lov'd by Millions of their Subjects who never ſee their Perſons (as Heaven is by Mankind) for their Providence and Care of their People, for the Influences they diſpenſe of their Juſtice and Mercy, and for the univerſal Good and Benefits which they ſcatter amongſt their Subjects. And in this Point their Thoughts and Deſigns ſhould be God-like; and by any other ſort of Lovers than theſe, any King will be as ſlenderly accompanied in his Misfortunes, as King *James* was to *Feverſham*. But beſides, this Accuſation is as falſe as it is fooliſh: pray, Sir, Who ſhew'd the moſt early Inclination to the Prince of *Orange*'s Perſon, the *Whigs* or the *Tories?* Who went into *Holland* firſt, and begun the Project of the Prince of *Orange*'s coming over hither, *Whigs* or *Tories?* Who put the Crown upon his Head when he did come, *Whigs* or *Tories?* But to come nearer to the Point; Did not the *Whigs* ſhew a moſt apparent Partiality to the Prince of *Orange*'s Perſon in all the Points of the Settlement of the Crown, and particularly in giving it him for Life, overlooking at the ſame time the P. of *D*'s Title, and the Lineal Succeſſion? Did they not to a Man ſtand by the King's Authority in the Debate concerning the P. of *D*'s Revenue, and leave the Diſpoſal of that Affair intirely to the King's Pleaſure? And now after four Years being us'd like the worſt of Enemies for all theſe Services; after being ſhut out from ſpeaking to the King, and almoſt from ſeeing him; after being diſcountenanc'd and frown'd upon, they have notwithſtanding (like the humorous Lieutenant) ever ſhew'd a grutching to his Grace upon the leaſt Incouragement or Invitation; and have at the opening of every Seſſions, for three Winters ſucceſſively, ſtill been ready to ſwallow the ſame Sweetnings, and to be coaks'd by a Clap on the Cheek, like an old City-Cuckold and Cully, and have been wrought into a Credulity, which nothing but their Fondneſs and Dotage on the King's Perſon could have effected.

Their Behaviour under Diſcouragements.

Tory. But you will not deny that you have ſometimes expreſs'd your ſelves peeviſhly concerning the King.

Whig. And what Lover that hangs or drowns himſelf for his Miſtreſs, does not do the ſame? Railing in a Lover is an infallible Symptom that he is far gone in the Diſtemper; and no Woman ever yet reſented it when it came from that Cauſe. But our Court hath not learn'd to diſtinguiſh between thoſe who are angry with them, in concern for their Proſperity, and thoſe who ſeem'd pleas'd with them in hopes that they are in the way to Deſtruction. And to ſpeak plainly, Sir, the Partiality and Courtſhip which the King hath ſhew'd to you *Tories*, in ſpite of all your apparent Hatred of his Perſon, as well as your profeſs'd Diſlike of his Title and Government, and the Averſion he hath ſhew'd to the *Whigs*, and Contempt of all their Advances and Addreſſes, hath begotten ugly Reaſonings in jealous and prying Men, as if there were a Biaſs towards the Principles of former Governments, rather than to thoſe this Government declar'd for, and ſet up upon: And even the

Partiality ſhown to the Tories.

wiſe

wiſe and well-meaning *Tories* begin once again to ſmell a T—d, when you hold it ſo near their Noſes. But come, proceed.

Tory. You are likewiſe accus'd of being wedded to a Party, and by that means will reduce his Majeſty to be King of a Faction only of his Subjects.

How the Torys came into the Miniſtry.

Whig. This will appear much otherwiſe, if you will pleaſe to remember who brought in the E. of *N.* to be Secretary of State, and many others of that Party, and how few of your Faction were diſplac'd by the *Whigs* when they had Intereſt with the King. But this Charge will appear moſt foully true upon you, who by the baſeſt Ingratitude and Villany fell upon undermining thoſe who brought you into the Government the minute you were poſſeſs'd of the King's Ear. And yet you ſee, notwithſtanding all your barbarous Treatment of us, we have always come in chearfully to all Votes for Mony, all Loans, and all other Meaſures to ſupport your Credit and the common Intereſt; till both are fallen ſo low, that the Peoples Clamors were never ſo loud, nor their Diſſatisfaction never ſo great. You, like *Solomon's* Harlot, are for tearing the Government aſunder, if you may not have the Poſſeſſion of it. We have ſhew'd on the other hand true motherly Tenderneſs, and conſented rather that it ſhould remain in your Poſſeſſion intirely, than be torn in pieces betwixt us; till it appear'd to all the World what a vile Step-mother you have been, and how you have ſtarv'd and abus'd a Government worthy your moſt indulgent Tenderneſs and Care. And yet I am not for refuſing any *Tory* that gives proof of his ſincere Repentance, and of a Love to his Country, but with all my heart would give my ſhare of the fatted Calf to make the returning Prodigal welcome: tho I cannot but think it reaſonable, that you ſhould ſubmiſſively ſeek the Government, and not the Government ſubmiſſively ſeek you; that you ſhould own your Sin againſt Heaven and againſt your Country, and give Security of another courſe of Life for the future, and not juſtify your Faults, and perſevere in them.

The Qualifications requir'd of Tories coming into Places.

If I could ſee amongſt any of you the leaſt Conſideration for the common Good and Benefit of Mankind, and the univerſal Welfare of your Fellow-Creatures, to which you are bound by the Law of God and the Law of Nature, and to which all the Heathens, who were not barbarous, paid a moſt profound Reverence and Obedience, and prefer'd to all private Intereſt, to Wives, Children, Eſtate, nay to Life it ſelf: If I can find any amongſt you a Lover of his Country, a ſincere Supporter of the Laws, Liberties and Intereſt of the *Engliſh* Nation, I am as much his Servant, tho he be a *Not*——*m*, a *Ca*——*n*, or a *R*——*r*, as if he were a *Shr*——*y*, a *Ru*—*ll*, a *Som*—*rs*, or a *Tr*——*d*. But inſtead of ſhewing any regard to the Intereſt of the Nation, any Bowels for your Country, any Self-denial in point of private Intereſt; have you not ſold your Country and their Birth-rights upon all occaſions (like *Eſau*) for a Meſs of Pottage? Have not ſome of you put off human Nature, human Reaſon, and all common Honeſty ſo far, as to conſpire to bring in a *French* Power, to gratify your private and perſonal Piques? To bring in *Popery* and *Slavery* to rule over you, becauſe you cannot tyrannically rule over your Fellow-Subjects? Remember what the *Presbyterians* got by being ſo active in reſtoring the two late Popiſh Kings, hoping to be reveng'd thereby upon the *Independents* and other Diſſenters. Were they not mingled in the ſame Perſecution with the others, nay more oppreſs'd and mark'd out for Wrath, as being more numerous and more conſiderable than any other Sect? Juſt ſo muſt the *Church* and their Proſelites expect to fare from the hands of their Popiſh Friends (whoſe Cauſe they are ſo zealouſly propagating) they may admit them to the Honor of being the *Cat's-foot*, but not a bit of the *Cheſnut*. No *Whig*, no *Fanatick*, but will then have as fair Quarter (at leaſt) from King *Lewis*, as you; for King *James* I take to be only a Cypher and Property to your *French* Lord and Maſter, who when he hath finiſh'd his Work, will finiſh his Life too. And do you *Jure Divino*, you truly loyal Gentlemen, think that you will find more Favour then for being more attach'd to King *James's* Intereſt? No, be aſſur'd, the moſt inveterate Enemies of King *James* will meet with as favorable a Treatment at leaſt as you, who have profeſs'd your ſelves ſo violently enamour'd of King *James's* Perſon, and of the right Line. Reflect a little upon the King of *France's* Conduct at the time of the late Revolution: He knew long before the Prince of *Orange's* Deſign of making a Deſcent into *England*, and could have prevented it a thouſand ways; but inſtead of that, he writes to *Barillion*, then his Ambaſſador in *England*, to know in what condition King *James* was to oppoſe the Prince's Forces. He being a Foreigner, and judging only by outward Appearances, repreſents the Army of King *James* ſufficiently powerful to reſiſt what Force the Prince of *Orange* could bring: whereupon the *French* King believing

The Practices of the Tories expos'd.

No diſtinction of Treatment from K. Lewis.

The French K. knew of the P. of O's Deſign before the Revolution.

that the *Engliſh* and *Dutch* would by this means weaken and deſtroy one another, and leave a fair game for him the next Year againſt the Emperor and *Flanders*; and to take away all Apprehenſion from the *Dutch* of their needing an Army for their own Defence, and to give all Encouragement to their Deſign upon *England*, he draws all his Troops from the ſide of *Flanders*, and falls upon *Philipsburgh*: which Army if he had march'd towards the *Spaniſh* Frontiers in *Flanders*, the *Dutch* durſt not have tranſported a Man, and the whole Deſign of the Deſcent had been at an end. From hence it is plain what Friendſhip the *French* King had for his *dear Brother* King *James*, and what you may expect from this Man of Honor and good Nature, when you have ſerv'd his turn. Come, grow wiſe and honeſt, and let us not divide under this or that Miniſtry, under this or that Faction or Party; but let us all unite againſt the common Enemy; let us make the Publick Intereſt, and the Support of the Government as it is eſtabliſh'd by Law, our chief and only Aim; and for all Projectors and Conſpirators, whether for a *Commonwealth*, a *French Tyranny*, or any other *Tyranny*, I wiſh they were all hang'd on the ſame Tree, the firſt for Fools, the others for Miſcreants and Villains. And thus much, and no more, am I for being wedded to a Party.

Encourages the Deſign.

Tory. I own you have told us a fair Tale; but nothing is prov'd, nothing appears undeniable, but your Venom and Enmity againſt the Church and her Friends.

Whig. If you mean the *French* Story needs proving, the Diſgrace of *Barillion* when he return'd to *Verſailles* upon the account of miſtaking and miſrepreſenting the *Engliſh* Affairs, is notorious: But beſides, the Story proves it ſelf more than a thouſand Witneſſes; and for the reſt, I have related nothing but what every *Engliſh*-man is knowing of. And as for what you charge me with in relation to the *Church*, I ſee little reaſon for it; unleſs, as St. *Paul* ſays, you account me your Enemy becauſe I tell you the Truth. For my part I reverence the Church of *England* as much as any Man: But I am not for ſacrificing the Laws and Liberties of the Publick, nay the very Nation it ſelf, to a foreign Conqueſt, for the Sound of a word. I have a due reſpect for the Prieſthood too, and am their *Servant*, but never can ſubmit to be their *Slave*; I honour their Coat, but cannot be content to ſtrip my ſelf of mine in reſpect to it. A moderate Reſpect is decent, and our Duty; more I take to be Superſtition at leaſt, if not Idolatry: and to worſhip a wooden Prieſt appears to me as bad as worſhipping a wooden God.

The Whigs reverence the Church of England, and have an eſteem for the Clergy.

Tory. Now you are running into your uſual Violence and Heat; and let me tell you as a Friend, it does you no good neither with the Church nor Court, which latter hath a very low Opinion of thoſe Men who expreſs too much warmth in what they ſay or do.

Whig. And therefore their Affairs have ſucceeded accordingly. Let the Nation be Judg, Whether if Men of warmth had been put in Office by our Miniſters, the Taxes would not have been more juſtly and carefully collected, than they have been by thoſe lukewarm Managers they have employ'd; who, like the unjuſt Steward, when the King's due was an Hundred, bid their Neighbors write down Fifty? Or, do you think the Deputy Lieutenants of *Surry* would have abſconded laſt Year, when they were order'd to raiſe the *Militia* upon K. *James*'s coming down to *Normandy*, if they had been Men of warmth to the Government? Or that K. *James*'s Friends would dare to profeſs their Opinions, and carry on their Deſigns ſo publickly? That they would preſume to inſult the Government in every Coffee-houſe; nay, in the *Mall* and *Whitehall* it ſelf? That they would dare to threaten you to your teeth, as they do, with Invaſions, Deſcents and Rebellions; or would venture to correſpond with *France*, and go forward and backward every day to King *James*; nay, raiſe Regiments of Horſe and Foot under your noſes for a Rebellion, if Men of Warmth and Zeal were in the Government? But it is from hence that all theſe Inſolences take their Riſe, that the Enemies of the Government are come from hating it, to deſpiſe it; that its Friends are diſcourag'd to appear for it, and that thoſe Officers and Soldiers who in King *Charles*'s time would have broken the Heads of thoſe whom they heard reflect upon the King's Perſon or Government, will in this Reign hear both treated very odly; not that they want Affection to either, but out of a fear to offend, by ſhewing themſelves *Men of warmth* and *Partymen*, thoſe Characters being ſo abominable to our Court.

Dep. Lieutenants in Surry *abſcond.*

Jacobites encourag'd, and become inſolent.

Tory. You *Whigs* have been the occaſion of all this too: for you were ſo irreconcilable to ſome Miniſters of State at the beginning of the Revolution, becauſe they had made a few ſlips in the laſt Reigns; or perhaps becauſe they had hang'd ſome of your

your Friends, a Father, or Brother, or ſo; that you forc'd them to take in ſome Perſons, whom they themſelves thought not very proper for this Government: But if you will run a Man down, he will ſupport himſelf at any rate; for Men are but Men. And withal I believe they hop'd that a Place would buy any Party out of their Principles, and that all whom they brought into the Government, would be oblig'd by that means to be for the Government.

Whig. This is very far fetch'd, Mr. *Tory*, tho it is not the firſt time I have heard it. But as to the firſt part of this Paragraph, the Matter of Fact is falſe: The *Whigs* were willing to forget all paſt Miſcarriages, and be reconcil'd to any Miniſter that could be honeſt, as I ſhew'd you before. But theſe Gentlemen quickly convinc'd all the World, that they were grown ſo old and ſtiff in their former Miſchiefs, that they were capable of no other Bend or Impreſſion, but what they had taken in the laſt Reigns. And it was plain to every Man who had eyes that they were no ſooner in the Miniſtry, but they fell into their old Schemes, which no honeſt Man could come into; and which I am afraid the Court hath not found the good Effects from, which theſe *Evil Counſellors* promis'd. It's true, by giving Places to all that were ſupple and complying, you have brought in the Knaves of all Parties: But ſince that which brings them into the Service of the Government, is their own Intereſt, and not that of the Government; it will be reaſonable for our Rulers to expect, that the whole Deſign of ſuch Men will be rather how to ſerve themſelves of the Government, than how to ſerve it. To conclude, Sir, notwithſtanding all you have ſaid in excuſe of your Miniſters and their Methods, I cannot but remain in my firſt Opinion, That *the Men of eaſy Phlegm, born on the Confines of Indifference*, as Sir *Samuel Tuke* in *F—ch-like Fuſtian* deſcribes our lukewarm Neutrals, are not fit Men to be employ'd in our Government, as the Caſe ſtands at preſent, but will prove as deſtructive to it as downright *Jacobites*.

Tories no Friends to the Government.

Tory. All this is taking things for granted which we deny, and accuſing Men of what you do not prove; and if it were ſo, you confeſs there are Knaves of your Party too.

Whig. The Truth of what I ſay in relation to your Party, is ſo notorious to all the World, that it would be as impertinent to go about proving it, as to prove there is a Sun; even you your ſelves have confeſs'd, and pretended to repent of your Principles and Practices in King *James*'s time, tho you are now return'd to your Vomit. And as to what you ſay of our having Knaves amongſt us, I muſt confeſs it too true; and am as much afflicted as you can be, that any *Whig* ſhould invade your undoubted and ſole Right of being Knaves, and ſelling and betraying their Fellow-Subjects. But yet we hope we may claim a diſtinction to be made betwixt our Party, who not only profeſs, but have maintain'd to the death the Religion, Rights and Liberties of their Country; and yours, who in King *Charles*'s and beginning of King *James*'s Reign gave up all theſe things; and who, tho you are employ'd in, and ſworn to the preſent Government, make publick Rejoicings at the Slaughter of our Armies and Deſtruction of our Fleets. If the *Whigs* have the misfortune of ſome Knaves profeſſing themſelves of their Party; our Saviour himſelf had a *Judas* amongſt his Twelve, and yet that did not at all diſcredit the Doctrine and Principles of the Apoſtles; nor does our having ſome Knaves among us, make it as reaſonable and equal to adhere to your Party, that are the profeſs'd Enemies of their King and Country, as to depend on thoſe who have generally in all times and on all occaſions declar'd their Affection to their Country, Love of its Laws and Religion, and have ſince the Revolution ſhewed their Zeal for the preſent Eſtabliſhment.

Knaves to be on both ſides, own'd.

Tory. Juſt now you ſeem'd to agree to a Comprehenſion, and were for welcoming the Prodigals, as you call'd them; now you are for excluding them again.

Whig. No, I am for receiving any *Tory*, as I told you, that ſeeks the Government, and becomes a true Penitent: but I would not have the Government ſeek them; nor would I have them entruſted in this critical time without ſome marks of their Repentance and Regeneracy; and by our eaſineſs give them the opportunity of ſelling us to the *French* King or King *James*, as I fear ſome of them do at this time.

Tory. All that's Malice and Stuff, and not reaſonably to be apprehended: And I tell you once more, it is the Opinion of ſome wiſe Men, that the King cannot follow a more fatal Counſel than to confine himſelf to any one Party of his Subjects.

Whig. Then your Patrons have been adviſing him fatally theſe four Years; for they have been perſuading the King to throw himſelf intirely into your hands.

Tory. They never refus'd to receive any Whig, that would comply, and come under their Protection; but if the King will chuſe any one Party, I think we of the Church are the moſt numerous and conſiderable, and are fitteſt as ſuch to be employ'd by him.

Whig. Now you are retir'd into your Sanctuary, *the Church*, you think you are ſafe, and it is indeed dangerous purſuing you: But however I'll venture it; and ſince you force me, I muſt repeat again ſome of thoſe Arguments I have given you already, why you are not fit to be truſted by this Government. Firſt, you Tories do not believe your ſelves King *William*'s Subjects, and therefore are very unfit to be employ'd by him as his Servants. Secondly, it cools the Affections of the People, to ſee thoſe employ'd in Places of higheſt Truſt, who they have a Demonſtration are not for the Government even when they are in it. And by this method it is plain the King (according to the Fable) loſes his *Shoulder of Mutton*, by catching at the *Shadow*; and by aiming at both Parties, he hath neither.

Tories no good Subjects to K. W.

Tory. I confeſs I am for the King's relying on one Party as much as you are (tho not yours) but however, there are great and wiſe Men, as I told you, of another Opinion; and I have heard it ask'd, Why this method of uniting all Parties ſhould not have as good an effect here as in *Holland*, for there the Prince of *Orange* reconcil'd all to the common Intereſt?

Whig. I'll tell you why: Firſt, it appears all Parties there ſincerely intended the good of the Government; which, it is too plain, is not your caſe. Secondly, Neither Party had any other Head to repair to, as you *Tories* have. The Prince of *Orange* had no pretending Rival to the Right of Stadtholder; but the King hath here a Rival, a Father-in-Law, who pretends a Right to the Crown, who is ſupported by the greateſt Power that ever was known in *Europe*, ſo as to make the Event appear doubtful, even to thoſe who are moſt zealous for this Government. And by this means the Friends of King *James* are encourag'd to be firm to his Intereſts, and Neutrals; nay, and even his fearful Enemies are frighted from acting with a Zeal againſt him. Is this a time then to be trying Experiments, to put our ſelves and Affairs into the hands of Men bred up, and principled againſt the Deſign of this Government? Is this a time to reconcile our ſelves to our Enemies, and to take Men out of Plots, and place them in our Cabinet? No ſure, with my Lord *N*——'s leave, *this is not the time.* In this time of danger, thoſe who have been the antient and declar'd Enemies of King *James*, and who have moſt reaſon to expect being hang'd if he return, are moſt fit for the King to rely on. But when theſe Difficulties are maſter'd, as much Comprehenſion as you pleaſe. In the mean time your Education in *Toryiſm*, your Obligations to King *James*, and, which is more than both, your preſent Hopes from him, will make you ſo averſe to this Government, that no Favour, no Courtſhip can engage you heartily in its Intereſts; and it is nonſenſe to expect you ſhould fight for a Title you have always declar'd to diſapprove of.

All Parties in Holland *reconcil'd to the P. of* O. *and how.*

Tory. You are always harping upon that ſtring: But ſuppoſing we do not approve of the making him King, yet we know how to obey Kings when they are made; but you, after you have made a King, are uſing him like your Creature, clipping his Power, and finding fault with his Conduct. For my part, *if I were a King, I would ſooner forgive a man that diſlik'd my Title, than one who diſlik'd my Conduct.*

Whig. Why then, Mr. *Tory*, you would be none of the wiſeſt Princes: For he who finds fault with your Conduct may be your Friend, but he who finds fault with your Title muſt be your Enemy, or elſe a Knave, and acts againſt his Conſcience. But how does this Article appear of the *Whigs* being diſſatisfied with the King's Conduct in any point, but in his employing you, and the Conſequences of it? Is it from giving chearfully whatever Sums were demanded in Parliament? Is it being ready to advance Mony upon the moſt remote Funds, in offering their Perſons to the Publick Service in all times of Danger, notwithſtanding all Browbeatings and Diſcouragements; by breaking all Meaſures with King *James* and his Party, that they diſcover their Diſlike and Diſſatisfaction to the King or his Government? But if they diſapprove that the Friends of King *James* ſhould be King *William*'s Miniſters, that thoſe ſhould be plac'd in all Offices who hate him and betray him, will he have reaſon to take their diſlike of this part of his Conduct ſo very unkindly from them, as to forgive it leſs than your renouncing his Right and Title to the Crown? But you Tories have got a trick of bringing Kings into your Quarrels (as the Prieſts do God Almighty into theirs) and by placing them before you, hope to make

Difference betwixt Faults in a Prince's Conduct and his Title.

make your ſelves ſafe, not caring how much you expoſe them: and you impudently place your own Crimes unfairly upon others; and whilſt you your ſelves are daily libelling and lampooning the King's Perſon and Conduct moſt maliciouſly, and triumphing in all his Misfortunes ingratefully (witneſs the publick Inſolences at the *Bath* and *Windſor*, upon the late Defeat in *Flanders*) you, according to your wonted Modeſty, charge the *Whigs* with your own faults; and avoid being Criminals, by turning Accuſers. *Rejoicing at the King's Misfortunes.*

Tory. I know not what ſome hot-headed drunken men may have ſaid and done at the *Bath* or elſewhere; but this I know, that a whole Party ought not to ſhare the Miſcarriages of ſome few particular Men.

Whig. You are in the right if that were the caſe; but it is undeniable, that this Inſolence is univerſal, and even amongſt thoſe of you employ'd and paid by the Government.

Tory. This is a ſore place I find you are ever complaining of. But why are you angry with us for being in Places? Did we ſeek them? Were we not ſought, courted, intreated to accept of Employments? And ſince you provoke me, I'll tell you the reaſon: The King found none of you *Whigs* capable of or fit for buſineſs; he ſaw you too of a ſour, moroſe Temper, jealous of Prerogative, affecting Popularity, childiſhly fond of Trifles, and tenacious of lawleſs Liberty; whilſt we are frank and eaſy in all theſe matters, and know the Reſpect that is due to Crown'd Heads.

Whig. That is, when they are rightful!

Tory. Come, you will make no Prince have the worſe Opinion of us for that: *The Right Line*, *Paſſive Obedience* and *Non-reſiſtance*, *Prerogative*, &c. will always ſound well in every King's ear. And when he conſiders us Enemies to his Title only out of a Principle of Loyalty, he will have reaſon rather to accuſe his own Misfortune, than our Vertue: we plainly and honeſtly told him our Principles, that we believ'd him a King *de facto* only; and our Honour in this point made him rely upon our Honour in others. *Tory Principles will always find Friends.*

Whig. Let us examine then how honorably, how gratefully you have behav'd your ſelves to a King who hath relied on you, and obliged you ſo extremely. We will paſs by thoſe who refuſe to ſwear Allegiance to him on the fore-mention'd honorable Pretences, and only mention thoſe who have accepted Employments of Profit and Truſt. Have not even thoſe in the Government, both in *England* and *Scotland*, been plotting the Dethroning this King, who has truſted them ſo generouſly, and courted them ſo kindly? Particularly, did not one of your Party at the beginning of this Government give notice to the King's Enemies of Warrants againſt them, in order to their making their eſcape, and was diſcharg'd his Employment upon it? Did not a Brother of a certain Secretary give out blank Paſſes under the Hand and Seal of that Secretary, by which a Correſpondence was carried on betwixt this Place and *France* ſecurely? And was not this Gentleman upon this account laid aſide gently and privately, and this matter huddled up for fear of any Reflection upon our Monarchical Favourites, and put upon the Publick as Paſſes forg'd (as indeed they were by our own Officers) and a Proclamation put out with Rewards to the Diſcoverer, when we knew the whole matter before-hand? Have not ſome Women lately been taken going to *France* (with Letters to King *James*) with a *Scotiſh* Secretary's Paſs, under his Hand and Seal? Was not an Officer of the Poſt-Office lately found correſponding with *France*, and without any other Puniſhment for his Capital Crime, laid aſide gently and privately? The Story of Capt. *John Layton*, late Commander of the *St. Albans*, and which hath been told in the Houſe of Commons, will ſhew you how faithfully you *Tories* ſerve the Government, and how fit you are to be truſted. Captain *Layton* being order'd to cruiſe twenty Leagues off *Uſhant*, by a Storm of Wind was driven to Cape *Clear*, where he met a *French* Privateer, and took her: The Captain of the Privateer ask'd *Layton* the name of his Ship, which he told him; upon this the Privateer looking into his Pocket-book, ask'd *Layton* how he came there, for by his Intelligence the Station of the *St. Albans* was to be 20 Leagues from *Uſhant*, and no further. And the like Story is told of a Tranſport-Ship going to *France* with Priſoners ſome few months ago, who meeting with divers Privateers, ask'd them how they durſt be ſo bold as to cruiſe there, when four *Engliſh* Men of War were within ſix Leagues of them? they reply'd, they knew the Station of thoſe *Engliſh*, and that they could not come where they were a cruiſing but by breaking their Orders. But the Relation of the Sailor who was taken, and for ſome time ſerv'd aboard an *Iriſh* Privateer, is yet more remarkable, *Plotting in both Nations againſt the Government.* *Inſtances of our Counſels being betray'd.*

ble, for he depoſeth, That they told him (three months before the *Straits* Fleet ſail'd from *Spithead*) both the time when they were to ſail, the number of their Convoy, and likewiſe that the Main Fleet was to go no further than beyond *Uſhant*. Now how they could come by this Intelligence, but from Officers imploy'd by and ſworn to the Government, I know not; and if ſo, how faithfully and honourably you *Tories* ſerve thoſe who truſt you, and how fit you are to be imploy'd in this critical Time, I appeal to all the World.

Tory. Theſe are malicious Stories; and if ſtrictly enquir'd into, will prove falſe I dare ſay.

Whig. Whenever there is a Committee of indifferent Men order'd to take the Examination, I am inform'd all this will be prov'd, and much more: and how reaſonable it is to expect this and any other Treachery from you, will appear probable to thoſe who ſee you in all Offices daily and publickly drinking King *James*'s Health; who ſee one Clerk going to a non-ſwearing Doctor, to take Advice, whether he may ſerve the Government as a writing Clerk without Damnation to his Soul? Yes, replies the Doctor, for thereby you keep out an ill Man, and may ſerve your rightful King upon occaſion. To ſee another Clerk valuing himſelf to his Companions, that his Place, thank God, does not oblige him to take the Oaths to the Government. To ſee Officers of the greateſt Truſt in the Admiralty in Clubs twice a week with Mr. *P———ps*, Mr. *Ew—rs*, and other known *Jacobites*, and from Saturday to Monday conſtantly living with them night and day.

Tory. I know who you mean, one of them is a Nephew to one of the Gentlemen, and expects 40000 *l.* from him; and would you have him renounce ſuch an Expectance in conſideration of your Place?

Whig. No, but I would have the Government renounce ſuch an Officer, that had ſuch an Expectation from ſuch an Uncle.

Tory. But where could you get ſuch able Officers, if theſe were diſcharg'd?

How the Government is weakned by the Tories.

Whig. As the caſe ſtands, one honeſt Man will be of more ſervice than ten ſuch able men: The Forms of Buſineſs will be quickly learn'd, and want of Experience will be leſs fatal to us, than want of Fidelity. Moſt of the Under-places require a very indifferent Underſtanding, and little Experience to carry on the Buſineſs: And if you aſcend to the Miniſtry, I cannot help thinking my Lord *Sh——y*, or Sir *J. Tr——d* as able Secretaries as the E. of *N.* and Mr. *R—ll* as able an Admiral as Mr. *K.* &c. What is it your able men have done for us, pray, theſe four Years? Was ever any Government in ſo promiſing a Condition, as ours was at the time of the Revolution? Were we not the Hopes of all our Allies, and the Terror of our Enemies? And is not the caſe alter'd with us? I fear it is. To be plain, a Miniſtry from *Wapping* could not have made worſe work on't than yours have done. Miniſters who know not ſo much as what Mony their Affairs will require, but ask the Parliament too little, and manage it ſo as to make it leſs: That want Intelligence ſo much, that matters of the greateſt conſequence have been publick in every Coffee-houſe three days before it comes to the Secretary's Office; particularly the loſs of our Merchants Fleet, and beating our Army in *Flanders*: As if (as one ſaid) Secretaries, like Cuckolds, were to know their Diſhonour and Misfortunes laſt. Then the Return of our Fleets for want of Proviſions, laying out Mony in falſe Expeditions, and wanting it thereby in true Neceſſities; imperfect Orders, from whence proceeds imperfect Execution; and beſides, they prove an excuſe to Officers even in the moſt fatal Miſcarriages; with a thouſand more Miſmanagements and Treacheries from the top to the bottom of the Miniſtry, too tedious to relate here.

Tory. And do you think the Government would be better ſerv'd at this time by Novices and Strangers to Buſineſs?

Cromwel's Method of being ſerv'd.

Whig. I have anſwer'd you that before: I think it would be much better ſerv'd by ignorant Friends, than underſtanding Enemies; tho I am far (at the ſame time) from granting you that Point, for I am ſure there are more men of Senſe and Capacity to be found amongſt the Whigs than amongſt the Tories; and that Experience is not of ſuch mighty conſequence as you would infer, will appear, if you will pleaſe to call to mind the men employ'd in Publick Affairs by *Cromwel*. Was ever Government better ſerv'd than his? and yet he choſe Men of the moſt private Condition, and one would have thought moſt unqualify'd for Publick Buſineſs, Taylors, Draymen, broken Shop-keepers, raw Scholars, and ſome few of the middling Gentry. But being careful to chuſe men principled againſt the Government of King *Charles*, and zealous for the Intereſt of the Government then on foot; they did

did wonders, ſupported their Friends, and were awful to their Enemies; and this with all the Nobility, Gentry and Clergy, both Church of *England* and Presbyterian, in perpetual Combinations and Conſpiracies againſt them at home, and a War in *Ireland*, *Scotland*, *Holland*, and *Spain* too, upon their hands. And you have an Inſtance of it in this Government, in the Perſon of one of your Secretaries of *Scotland*, who (tho bred in a very private way) hath ſhewed himſelf a moſt ſucceſsful Stateſman, and of great conſequence to the Welfare of the King's Affairs in that Country, and this merely from his incorruptible Honeſty, Zeal and Integrity to the preſent Government, without Experience or great Inſight into Buſineſs.

Tory. I muſt grant there is ſomething in what you ſay, Union and Integrity will do great matters: But you Whigs cannot pretend to this, for you are not two of you in the ſame mind; you have no Government, no Diſcipline in your Party, no Firmneſs to one another, or to any Point: Your great *P. Fo——y* turns Cadet, and carries Arms under the General of the *Weſt-Saxons*; the two *Har--ys*, Father and Son, are Engineers under the late Lieutenant of the Ordnance, and bomb any Bill, which he hath once reſolv'd to reduce to Aſhes, tho it were for Recognition, or any thing elſe that is moſt neceſſary to our Security: Your *Jack S.* and *Jack G.* whenever they touch Penny, will touch Pot too, and drink all in the Bowl, be it ever ſo deep. And beſides this, you are always laughing, deſpiſing or railing at one another; ſome of you are too wiſe, ſome of you too witty, and ſome of you too honeſt for the reſt; jealous and envious of one anothers Favour and Preferment, every Man thinking himſelf fitteſt to be at the Head of Affairs, and hating and reflecting upon thoſe who are ſo, and deſpiſing to be govern'd or directed by them. And at the ſame time thoſe who are at the top diſdaining to look down upon thoſe below them, tho they were the ſteps by which they did aſcend; they grow ſtately to their Friends, and unmindful of their Fortunes, impatient of Addreſſes, hard of Acceſs, huddling into little Cabals, where they are wiſe and witty among themſelves: Whilſt we Tories on the contrary have but one Heart, one Voice, one Purſe and one Intereſt; excuſe and juſtify one another's Faults, prefer the meaneſt Fool or Knave of our Party; and in return the Underlings are every man in a perfect Obedience to his Superior, to vote, rail, write or talk according to Direction, and not otherwiſe.

Whig. I own there is too much Truth in what you ſay, and you ſpeak Truth ſo ſeldom, that we ought to allow it you when you do: But I hope we have ſeen the Error of our Diſunion, and ſhall amend it for the future. And however we may have had perſonal Differences, and likewiſe may have been too much divided, and too obſtinate in ſome Opinions, yet ſtill in all Times, and under all Diſcouragements, we have all agreed to the ſame end, *viz.* the Publick Good of our Country, and the Support of its Laws and Liberties; and in this preſent Reign have been and are unanimous againſt King *James* and his Intereſt, and have at all times with one Conſent own'd his preſent Majeſty, Rightful and Lawful, which I take to be the *Shibboleth*, to diſtinguiſh thoſe who are alone fit to ſerve this Government. And till there be an Act of Recognition in force, I will be bold to ſay, all the other Steps of our ableſt and honeſteſt Stateſmen will be upon boggy Ground; nor can any Man be reaſonably employ'd in any Office who hath not taken this Teſt: for whoever thinks King *William* not rightful, muſt think King *James* is ſo; and the ſame Conſcience which leads them to believe him rightful, will incline them to aſſiſt that Right when they have opportunity. But to return to the Point of your Charge, we muſt confeſs likewiſe that we have not been ſo much under the Government of our Superiors as you are, nor ſo induſtrious in ſupporting each others private and particular Intereſts. But to the firſt I might anſwer, That Fools and Beggars are more eaſily led by the Noſe than Men of Senſe and Eſtates: And as to the latter I muſt put you in mind, that the Societies of *Ignatius* and of *Newgate* are both of them as much united as you, in univerſal Miſchief; for Roguery makes a ſtronger Glew and Cement than Vertue, becauſe there are more Men capable of the former than of the latter. And tho it were to be wiſh'd, that the *Whigs* were more friendly, and had more concern for the Support of one another in all their honeſt Pretences; yet God forbid there ſhould ever be ſuch a Friendſhip and Partiality amongſt them, as to condemn and diſgrace thoſe who gain Victories, becauſe they are not of their Party; and to ſupport and defend thoſe who have loſt the Ships, Trade and Honour of the Nation, becauſe they are their Creatures. But on the other ſide, where it is without offence to Juſtice and the Publick Intereſt, all Unanimity and Friendſhip is to be admir'd, prais'd and pray'd for; and I hope you will find it amongſt us for the future, till it becomes the Subject of your Envy, inſtead of being an occaſion of Reproach. To

The Whigs, tho divided, yet agree in the common Good.

put

put an end to this Argument: 'Tis plain with all your Friendſhips, and Union, and other Politicks, you have brought the Nation, and all its Allies, to the loweſt Condition both in Power and Reputation. You have almoſt put it out of the Skill of any Conduct to recover us; and whoever now takes the Adminiſtration of Affairs upon them, will be apply'd to the Government, like Pigeons to the Feet of dying Men. But however to thoſe who are true Lovers of their Country, no Time ſeems too late to attempt its Relief, no Difficulty ſo great as to diſcourage them from endeavouring it; and tho as the Caſe ſtands, it is more than probable, we *may* miſcarry under the beſt Conduct, yet it is undeniable we *muſt* miſcarry under yours. And ſo I take my leave.

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An INQUIRY into the Nature and Obligation of LEGAL RIGHTS: *With reſpect to the Popular Pleas of the Late K.* James's *remaining Right to the Crown.*

IT ſeems to me a needleſs Task to prove to Proteſtants, That it is more for their Spiritual and Temporal Intereſt, to have a Proteſtant than a Popiſh King and Queen; and therefore I cannot apprehend any great danger to their Majeſty's Government, from thoſe ſcandalous Libels which are writ with ſome Art, and diſpers'd with greater Diligence, to raiſe and foment new Diſcontents. Thoſe are very ſanguine men, who hope to perſuade us, That our Liberties and Properties will be more ſecure, and that the Church of *England* will flouriſh better under the Government of the late King, if he return, than under the Government of King *William* and Queen *Mary*. We remember how it lately was, and we feel how it is at preſent; and if we can truſt our Memory and our Senſes, all the Wit of Man cannot impoſe on us in ſo plain a matter: and therefore I ſhall take it for granted, That the Argument from Intereſt ties the Subjects of *England* in the faſteſt Bonds of Duty and Allegiance to their preſent Majeſties.

Proteſtants have a greater Spiritual and Temporal Security under a Proteſtant King, than under a Popiſh one.

But the Laws of Juſtice and Righteouſneſs ought to have a greater Authority over Mankind, than all other Temporal Conſiderations; and at one time or other they will. And therefore while Men are perſuaded, That how advantageous ſoever the late Revolution may prove, it is founded in Injuſtice, no other Argument but Force will for any long time be able to keep the late King out, or to eſtabliſh their preſent Majeſties on the Throne. Which ſhews that other Arguments are loſt labour, till the Diſpute of Right and Wrong is better clear'd: And tho there have been many wiſe things ſaid about it, it has not yet been ſtated to a general Satisfaction. The Government of the late King gave great reaſon to his Subjects to be willing to part with him, whenever he would ſet them at liberty: and therefore if King *James* hath ſuffer'd no Injuſtice, but what he has done himſelf; if he hath deliver'd his Subjects from their Allegiance; and if King *William* and Queen *Mary* are legally inveſted with the Royal Power, and are the Legal King and Queen of *England*, it will be no hard matter to make all men, who love the Peace and Proſperity, the Religion and Liberties of their Country, to be eaſy and ſatisfied, and thankful for ſuch a Change.

No wrong done to K. J. but what he did himſelf.

The matter ſtated.

And to ſtate this matter plainly, to ſilence this Pretence of Right and Juſtice on the late King's ſide, it will be neceſſary to inquire, What Right Princes have to their Thrones. This may at firſt be thought a dangerous Inquiry, but it will appear to have no hurt in it; and the loud Clamours about *Right*, which diſquiet ſo many mens minds, and diſturb the Peace and Settlement of theſe Kingdoms, and daily threaten us with new Convulſions or Revolutions, make it abſolutely neceſſary

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at this time to ſay ſome few plain Truths, which carry their own Evidence and Conviction with them, which will do no Wrong to Princes, and will do great Right to Subjects.

Q. Whether Princes have a natural or only a legal Right to their Thrones.

The whole Reſolution of this Matter depends upon one ſingle Queſtion (if ſo plain a Caſe may be call'd a Queſtion) *viz.* Whether Princes have a natural, or only a legal Right to their Thrones?

I think I might reaſonably enough take it for granted, without diſputing, That no Prince has any other Right to his Throne, than what the Laws of the Land, or the Laws of Nations give him: For tho ſome Men have diſputed warmly for the Natural and Patriarchal Right of Kings, yet they have ſo few Followers, and the Hypotheſis it ſelf is ſo new, and built upon ſuch uncertain Conjectures, and ſo contrary to plain Matter of Fact, and the univerſal practice of all Nations, that it is not worth any man's contending about. Whoever has a mind to know the Myſtery of this, may read the Second Dialogue of the *Bibliotheca Politica*, and try if he can make any thing of it.

Paternal Right is unknown to us.

For who knows what the Paternal and Patriarchal Authority was? whether it were a Civil and Political, or only an Oeconomical Authority, ſuch as Parents ſtill have over their Children, or not much more? Who knows how this Authority deſcended, and what difference there was between the Authority of the Supreme Father, and of the immediate Fathers over their own Children? Whether this by natural Right does not make the whole World one Monarchy under the Government of the lineal Heir of the eldeſt Family? And how came the World then, contrary to natural Right, to be canton'd into ſo many abſolute and independent Monarchies? Does not this damn all Republicks and Commonwealths as Uſurpations upon the natural Rights of Monarchy? For if the natural Right of Government be in the natural Heir, all other Forms of Government beſides Monarchy, are contrary to Nature, and an Uſurpation upon natural Right.

Uncertain.

But be all this as it will; Where is the Monarch this day in the World, that derives his Pedigree and lineal Deſcent from ſome antient Patriarch who had this natural Right of Government? Do we not know what the Original of many Monarchies hath been, and what Changes they have ſuffer'd? How Pirates and Robbers have advanc'd themſelves to Royal Dignity, and founded new Kingdoms, and begun a Race of new Kings? And were all theſe the lineal Heirs of thoſe Kingdoms they ſubdu'd? And yet how can they have the natural Patriarchal Right of Government without it? For natural Rights can never be ſeparated from thoſe natural Relations which create them.

Abſurdities of it.

Theſe are very great Abſurdities; and yet I muſt do theſe Men this right, that unleſs you can find a Paternal Patriarchal Right, there can be no natural Right to Civil Government: for there is no other natural Right of Government, but only the natural Authority of Fathers (for we are now ſpeaking of the Right to Government, not of the Nature and Quality of it) and therefore, tho we ſhould grant that Kings ſucceed to the Paternal Authority, that they have now the ſame Authority over their Subjects, that Fathers antiently had over their Children, which I doubt, if truly ſtated, would ſatisfy but few Kings; yet it does not hence follow, that they have the ſame natural Right to their Thrones, which Fathers have to their Authority. There may be ſeveral different Rights to the ſame kind of Authority; but he who is not in the Paternal Line, nor by Primogeniture inherits the Father's Right, cannot have a natural Paternal Right.

Hereditary Princes by Law, and not by Nature, prov'd.

For as for natural Deſcent in an Hereditary Monarchy, where the next Lineal Heir ſucceeds to the Crown, whom we commonly ſtile a *Natural Prince*, and a *Prince born*, who is the natural Heir to the Crown which is his *Birth-right*; it is plain, this is not a natural Right, but the Effect of Laws: For if this were the Right of Nature, then Elective Monarchies were a violation of the Rights of Nature. If it be a natural Right for the next Heir to ſucceed his Father in the Kingdom, the next Heir of all Kings have the ſame Right; for the Rights of Nature are equal and univerſal, and then it is contrary to natural Right for any Subjects to own or elect any King but the natural Heir: There muſt be in all Kingdoms the ſame Laws of Succeſſion, which now very much vary; there muſt be no difference between Hereditary, Patrimonial and Elective Kingdoms; for the next lineal Heir by a natural Right muſt always be King. It is certain the firſt King of every Family could have no natural Right without recurring to an inviſible Patriarchal Authority: and if he had none, how could he tranſmit that Right to his Poſterity which he had not himſelf?

Right of Nature univerſal.

himſelf? But I ſhall urge this no farther, ſince the wiſeſt Men, even among the Aſſertors of King *James*'s Authority, pretend to no more than a Legal Right.

Let us then in the next place conſider the nature of thoſe Legal Rights, eſpecially with reſpect to the Rights of Princes to their Thrones.

Legal Rights conſider'd. The whole Diſpute about Legal Rights (and the Rights of Princes to their Thrones are no other than Legal Rights) muſt be reſolv'd into the Laws of the Land; and therefore we muſt conſider the Nature, Extent, and Obligation of National Laws: for pure Legal Right muſt of neceſſity be ſubject to all the Changes, Reſtrictions, Limitations, Diminutions, that Laws are. And here are ſo many things to be conſider'd, that it is hard to reduce them into method: But it will be moſt proper to begin with what immediately concerns the late King's Right.

I obſerve then;

Law is ſatisfy'd when that is done which it requires. Law of Succeſſion conſider'd. 1*ſt*. That the Law is ſatisfy'd, when that is done which the Law requires to be done; and Subjects are no longer bound in Conſcience by that Law, when they have anſwer'd its Demands. Thus the Law of Succeſſion is ſatisfy'd, when the next Lineal Heir is placed on the Throne; and when Subjects have done this, they can never more be charg'd with denying him his Right of Inheritance when they have actually given it him. This was the Caſe of King *James*; tho his Proteſtant Subjects had too juſt apprehenſions of a Popiſh Prince, yet they ſet the Crown upon his Head with all the uſual Solemnities, and own'd and recogniz'd him for their King with all the Formalities of Law. So that the Subjects of *England* never deny'd, nor do they to this day, *James* the Second's Hereditary Right to the Crown; they own'd and gave him his Right, and he had it, if he would have kept it; and this anſwer'd the Law of Succeſſion to the full. But if the King will leave his Throne, and make it vacant, the Law of Succeſſion does not oblige Subjects to give him his Throne again, but to fill the vacant Throne with the next Heir. The Caſe of *Edward* the Fourth, and *Charles* the Second, was very different: They were the undoubted Heirs to the Crown by a Lineal Succeſſion, and were unjuſtly kept from their Right, and therefore Subjects were bound to do them Right by placing them on the Throne. But the Queſtion is not, and never was, Whether King *James* was the Rightful Heir, but whether he ſtill be *the Legal and Rightful* King to whom our *Allegiance* is due? And his being once the Right Heir, does not prove that he is now the Legal and Rightful King, or that he has any Right to be ſo again. If he hath no Right but only by Law, I never could find or hear of any Law which gives him any Right to reſume what he thought fit once to quit and renounce; and conſequently the Subjects of *England* deny him no Right, in denying to reſtore him to his Abdicated Throne: and then the Diſpute of Right and Juſtice is out of doors as to this Matter, ſo far as the Right of Succeſſion is concern'd.

K. J. had his Right.

K. J. has no Right now.

Legal Right is ſubject to legal Judgment. 2*dly*. All Legal Rights are ſubject to ſome Legal Judgment, or definitive Declaration, and muſt be determin'd by it; and ſuch a Judgment is the Rule and Reſolution of Conſcience as to ſuch adjudged Caſes. For we have no other Rule in Matters of Law, but a legal Judgment or Sentence; and our Obedience to Government requires us to acquieſce in ſuch a Judgment, as is pronounc'd by a legal and competent Authority: So that *to govern and to judg muſt belong to the ſame Authority*; as far as I am bound to obey any Man, I muſt follow his Judgment and not my own, eſpecially when this Judgment is pronounc'd by the laſt Judicature, from whence lies no Appeal. Let us then apply this to our preſent Caſe.

Application of it to K. J's Caſe. The late King withdrew his Perſon and Authority, and left us without any Proviſion for, or Face of Government: The Eſtates of the Realm aſſemble upon this great Occaſion, adjudg this to be an *Abdication* and *Deſertion* of the Government, and declare the Throne *vacant*, and fill it with their preſent Majeſties. And the Queſtion now is, Whether this be not ſuch a legal and deciſive Judgment as all the Subjects of *England* ought to acquieſce in? If the Diſputes about legal Rights muſt be decided by Law, not by the Sword (which is not the Deciſion of Civil Authority, but of Force) the Sentence of competent Judges muſt end the Diſpute: and if the Eſtates of the Realm be not the proper and legal Judges of ſuch Diſputes as concern the Right to the Crown, there can be none; and if they be, Subjects muſt acquieſce in their Judgment, or it is all one as if there had been none: for if Men may pretend Conſcience, and adhere to their own private Opinions, in contradiction to the definitive Sentence of the laſt and ſole Judges, the Diſpute muſt end in Blows, which is contrary to the Reaſon and Nature of humane Societies, which were inſtituted to prevent Wars, and to end all Controverſies by a legal Judgment without the Sword.

The Nation the only legal Judges of this Diſpute.

I deny not but there may be great Injuſtice done by corrupt or ignorant Judges; and the Law has made the beſt proviſion it can againſt this, by allowing Appeals from inferior to ſuperior Courts: But if the higheſt Authority, from whence lies no Appeal, happens to judg wrong, there is no Remedy but to bear it patiently. We are not bound indeed to think that right, which we know to be wrong; but we are bound to acquieſce in it to all the Intents and Purpoſes of Law, as much as if we did believe it right. And as hard as this may ſometimes prove, there is the ſame neceſſity for this, that there is for Laws and Civil Authority: all legal Rights are held by this Tenure, to be ſubject to a legal Judgment and Determination; and tho ſome Men may ſuffer by a wrong Judgment, it is much better to oblige them to acquieſce under it, than by leaving them a Right to diſpute it, to endanger the bringing the whole into a ſtate of Anarchy and War. Civil Authority will compel private Men to ſubmit to its Deciſions, whether they think them right or wrong; and in all Caſes where Men are bound to ſubmit to Authority, they are bound to ſubmit to the publick Judgment. So that whatever Right ſome Men may think King *James* has, it is not a Right in Law, becauſe by Law it is determin'd againſt him: or whatever Right in Law he may ſtill be thought to have, it is not ſuch a Right as can affect the Conſciences of Subjects; for the laſt definitive Sentence is the concluding Judgment of the Law, and the Rule of our Actions, as far as Law is our Rule. Whether this Judgment is thought right or wrong by private Men, the late King has no Remedy by Law, for the Sword is not Law; and tho Subjects are bound by their Oaths of Allegiance to defend their King, his Crown and Dignity, againſt unjuſt Force and Violence, they are not bound to reſtore him againſt Law: for I deſire any Man to tell me by what Law Subjects are bound to oppoſe Force in any Caſe againſt the laſt and final Determinations of Law; for Force oppoſed to Law, as far as it reaches, is a Diſſolution of Civil Government. It is abſurd to think that any Civil Conſtitution ſhould allow an Appeal to the Sword, againſt the Judgment and Sentence of the laſt Authority; and therefore when the Controverſy is brought to the laſt Appeal, this is all the Law can do, and thoſe who will be govern'd by Laws, muſt acquieſce in it; and thoſe who will go further, muſt not pretend to Laws and legal Rights.

No Appeal from the higheſt Authority.

K. J. has no Right in Law.

Subjects not bound to obey againſt Law.

Nor is this to ſet up an Authority ſuperior to Kings, which when the King is on the Throne in actual Adminiſtration of the Government, is a contradiction to the notion of a Sovereign Authority; but it only makes the Eſtates the ſole Judges of all Diſputes concerning the Crown, when there is no Monarch actually in the Throne. Thus they always have been in *England*, and thus of neceſſity they muſt be, if ſuch Matters as theſe are ſubject to the Declaration and definitive Sentence of a legal Authority: And this can never prove dangerous to Kings while they keep their Thrones.

Objection remov'd.

3*dly*. A legal Inveſtiture and Poſſeſſion, is a good Right in Law againſt all other Titles and Claims, till it be condemn'd and revers'd. This is ſo notoriouſly known, that it needs not be prov'd; the moſt unjuſt Poſſeſſor muſt not be diſpoſſeſs'd by Force under a Civil Government, till the Wrong do ſome way appear before a proper Court, or the Law has given Judgment againſt him; much leſs when a Man has got poſſeſſion by a legal Sentence, tho upon falſe Suggeſtions, and by an erroneous Judgment in the Court. Such a legal Poſſeſſion gives as great Authority to all his Acts till the Sentence is revers'd, as it would do to the Acts of the moſt rightful Poſſeſſor: Tenants, tho they are ſatisfy'd he has no Right, muſt pay their Rent to him, and may do it without any ſcruple of Conſcience, becauſe the Law has given it him, which is their Rule; and are oblig'd, and may be compel'd to do all Duties and Services as to the moſt rightful Landlord.

Legal Poſſeſſion is a good Right in Law.

And thus it is in places of Truſt and Civil Authority. The legal Return of a Member for Parliament, whatever diſpute there may be about the truth of his Election, gives the Perſon ſo return'd, a Right to ſit in the Houſe of Commons, and his Vote is as good as any Members there, till his Election be pronounced Void. Thus whatever Diſpute there may be about a Mayor, an Alderman, a Sheriff, a Chamberlain of any City or Corporation (as we know it lately happen'd in *London*) he who is inveſted with the cuſtomary Solemnities in the Office, is for the time the legal Mayor or Alderman, and all his Acts are valid and legal till it be adjudg'd againſt him; and all Citizens, even thoſe who think him not rightly elected, are bound to pay him all that Duty which belongs to his Place and Office. And there is great and neceſſary reaſon for this, to prevent the Interruptions of Government, which

Parallel Caſes.

are a greater miſchief to any Society, than to be govern'd by one who has not a rightful Claim to Government.

The King's legal Inveſtiture is a determination of his Right.

And this Reaſon holds much ſtronger as to the Supreme and Regal Power: for if a King who is legally inveſted with the Royal Authority, who is plac'd upon the Throne by the Eſtates of the Realm, with all the accuſtom'd Rites and Ceremonies of Law, muſt not be own'd and obey'd as the legal King, when there is no other viſible Authority, the Government is at an end, as far as ſuch Men can put an end to it; eſpecially when there is no Appeal from that Authority which plac'd him on the Throne, but only to the Sword. Such a legal Inveſtiture by the Supreme Authority of the Nation, is a legal Determination of his Right, that whatever other Claims and Titles there may be, they judg his the beſt; which muſt be final to Subjects, who will be govern'd by Laws; and thoſe who will not ſubmit to it, muſt talk no more of Laws, for the Law is againſt them, even the Fundamental Law of all Civil Societies, to be determin'd by the laſt and higheſt Authority from whence lies no Appeal.

Obedience due to a legal King.

He then is the legal King who is plac'd on the Throne by a legal Authority, and all legal Obedience and Allegiance is due to him. The Law of *England* knows no other legal King but him: My Lord Chief Juſtice *Coke*, and other great Lawyers agree, That the Statute of Treaſon, 25 *Edw.* 3. relates only to a King thus legally poſſeſſed of the Throne; and indeed it cannot be thought it ſhould mean any other, ſince there was no other Notion of a King when that Statute was made, but he who was actually and legally poſſeſs'd of the Crown: for the diſtinction between a King *de jure* and a King *de facto*, was not heard of till *Edw.* 4. tho there had been many Kings before that time who aſcended the Throne without the Title of a *lineal Succeſſion*; and it was a great deal too ſoon to broach ſuch a Diſtinction then, unleſs they had a mind to allow private Subjects to judg of Princes Titles againſt the publick and national Judgment, and againſt the Authority of national Acts. Whereas legal Titles in all other Caſes are not regarded in Law till they are legally declar'd; and with much more reaſon ought to be ſo, when the Title is of ſo high a nature as a Challenge of the Crown.

De jure & de facto Kings not known till Edw. IV.

No King depos'd for want of Title.

Before this time, all Kings who were advanc'd to the Throne with the general Submiſſion of the People, were eſteem'd equally legal and rightful Kings, as to all the effects of Law: And we may obſerve in all our Hiſtories, That no King who was ever crown'd by the People, was ever wholly deſerted or depoſed for want of Title.

The Diſputes of *William* the Second and *Henry* the Firſt, with their elder Brother *Robert*, were accommodated between them by ſome Great Men. So was the Diſpute between King *Stephen* and *Henry* the Second, which was ratify'd by the Parliament at *Wincheſter*. Nay, ſo was the Diſpute between *Henry* the Sixth and the Duke of *York*, who challeng'd the Crown in Parliament; but how clear ſoever the Duke's Title was, the Lords would not allow that the King ſhould be diveſted of his Royal Dignity, but that he ſhould keep it for his Life. And after this Diſtinction was ſtarted, they found it of ſuch miſchievous Conſequence to the Subject, whenever the Right to the Crown was diſputed by the Sword, that in the Reign of *Henry* the Seventh, there was expreſs proviſion made againſt it by Act of Parliament, declaring the Allegiance of the Subject to be due to the King for the time being, that is, to the King who was poſſeſs'd of the Throne by the publick Judgment and Act of the State; and that no Subject ſhould ſuffer for ſerving ſuch a King in his Wars, according to their Duty of Allegiance, neither at home or abroad.

Statute of Hen. 7. *on this occaſion.*

This gives a plain Anſwer to the Book intituled, *The Caſe of Allegiance to a King in Poſſeſſion:* That Author thinks it a Demonſtration againſt my Lord Chief Juſtice *Coke*, That the Statute of Treaſon cannot mean a King in Poſſeſſion without a legal Title, becauſe it is unreaſonable to think that the Law ſhould mean any King, but one who is King by Law. Which is moſt certainly true; but then it is not merely a legal Title, but a legal Inveſtiture and Recognition, that makes a legal King, or a King in Law, as it makes a legal Magiſtrate: And then all Kings *de facto*, who are plac'd in the Throne by a legal Authority, and with all legal and accuſtom'd Ceremonies, are not only legal Kings, but the only Kings that the Law allows to be Kings.

Law allows only of legal Kings.

Objections remov'd.

His other Argument is againſt the Authority of the Laws, ſuppoſing they did allow any ſuch thing; for he ſays it would be a wicked and unjuſt Law to eſtabliſh

a Prince in the Throne who has no Right to it; and to juſtify Subjects in fighting for ſuch a King, tho it ſhould happen to be againſt their rightful and lawful Sovereign. Which is a very abſurd Argument, if Princes have no natural, but only a legal Right to their Thrones; for all legal Rights muſt be ſubject to a legal Judgment, and a legal Poſſeſſion is a Right in Law againſt all Force: For the Civil Sword is always on the ſide of him that is in poſſeſſion under a legal Determination, whatever his Title be: And certainly there is as much reaſon the Sword ſhould defend the legal Poſſeſſor of the Throne, as the legal Poſſeſſor of Lands and Houſes. And I would ask this Author, ſuppoſing he were Sheriff of a County, whether he would make any ſcruple of Conſcience to defend him who was poſſeſs'd of an Eſtate under a legal Recovery or Proceſs againſt a violent Intruder, tho he knew or did verily believe him to be the right Heir? Or whether inferior Magiſtrates, who are to execute the Sentence of Superior Courts, are bound in Conſcience to execute no Sentence, but what they themſelves believe to be juſt? If this be admitted, Civil Authority is at an end, and all the Courts in *Weſtminſter-hall* are of little uſe: And yet if it be lawful, nay, if it be abſolutely neceſſary to Civil Societies, in ſuch Caſes as theſe to defend a legal Poſſeſſion againſt a preſum'd Right, then the Law may very juſtly require us to defend a King, as well as Subjects, in his legal Poſſeſſion, againſt all other Rights and Claims; and if the Laws are the Meaſures of Civil Obedience, Subjects may very juſtly and with a very good Conſcience do it. Which juſtifies what ſome have aſſerted, That ſuch legal Rights as theſe are not concern'd in the Diſpute of Allegiance againſt a legal Poſſeſſor of the Throne; for a legal Poſſeſſion and Inveſtiture is the only legal *Thorow Settlement* of the Government. And this ſhows how much this Author is miſtaken, when with reference to this Controverſy he diſputes ſo warmly, that God himſelf cannot make it lawful for us to oppoſe Right, no more than he can make Right to be Wrong; which is true with reſpect to pure natural or moral Rights, but does not hold in mere legal Rights, which are as to any effects of Law eſteem'd of no value againſt a Poſſeſſion, till they are judicially declar'd: And 'tis not the proper buſineſs of any private Subject to judg concerning them.

Legal Poſſeſſion is a Right in Law againſt Force.

Legal Poſſeſſion is the only Settlement of the Government.

But the truth is, this Author looks upon the Rights of Kings not to be mere legal Rights (which are Rights no longer, and in no other manner than the Law allows them to be Rights) but ſuch natural and unchangeable Rights as Parents have to the Government of their Children, nay, as God himſelf has to the Government of the World. For he thinks Men may as well worſhip *Gods de facto* (ſuch as the *Pagan* Deities were, when they had got poſſeſſion of the Temples and Altars) as pay their Allegiance to a King *de facto*, when he is poſſeſs'd of the Throne: which is not more profane than weak, unleſs he thinks that the Law can make a God, as it can make a King; or that Kings are as much by nature Kings, as God is God. This, by the way, is a ſhort but full Confutation of thoſe two large Pamphlets, *The Caſe of Allegiance to a King in Poſſeſſion*; and, *The Defence of the Caſe*. For all that the Author ſays to any purpoſe, is reſolv'd into one of theſe two Principles, That the Law owns no King but him who has the legal Title; and, That Kings have a Right to their Crowns ſuperior to Laws, and which obliges Subjects againſt a legal Judgment, and a legal Poſſeſſion. If theſe Principles fail him, all the reſt muſt fall to the ground: And whether theſe be true or falſe, I appeal to what has been already ſaid.

Difference betwixt Gods de facto and Kings de facto.

The falſe Principles of the Jacobites refuted.

4*thly*. As a neceſſary Conſequence and Juſtification of this, I obſerve, That a legal Title to the Crown, and a legal Authority to adminiſter the Government, may be ſeparated: That he who has the Title, may not have the legal Authority, nor be the legal King; and he may be the legal King, and have the legal Authority, who has not an antecedent Title. This is paſt all Controverſy, if what I have already ſaid be true, That a legal Inveſtiture and Poſſeſſion is a good Right in Law againſt all other Titles and Claims.

It may poſſibly appear a Myſtery to ſome Men, how there ſhould be two ſuch contrary legal Rights; a legal Right and Title to the Crown, without a Right to exerciſe the Authority belonging to the Crown; and a legal Right to wear the Crown, and exerciſe the Authority belonging to it, without an antecedent legal Right to the Crown it ſelf. But whoever conſiders that allow'd Diſtinction between *jus ad rem*, and *jus in re*, with the reaſon of it, will eaſily underſtand this Matter. It is an approv'd Diſtinction in Law, That one Man may have a Right to a thing, and another a Right in it; the one is a Right of a legal Claim, the other of a legal Poſſeſſion: And that this may and muſt be in all Civil Governments and mere legal

Diſtinction of legal Rights and Titles.

legal Rights, appears from the different Laws and Cuſtoms on which ſuch different Rights are founded. This I have hinted at before, but muſt now explain it more particularly.

How perſonal Rights are determin'd.

In all Civil Societies there muſt be particular Laws to determine Mens perſonal and particular Rights; and whatever is due to any Man by ſuch Laws, is his legal Right. But yet we know theſe Laws can determine no Controverſy without a living Judg; for if every Man were to judg for himſelf, every Man will make the Law to be on his ſide, and then we had as good have no Laws at all. And therefore the Fundamental Law of all Societies, which is ſuperior to all particular Laws, is this, That the laſt and final Judgment of Authority ſhall be eſteem'd the Law; and that ſhall be every Man's Right as to all the effects of Law, which is thus adjudg'd him. Whoever calmly conſiders things, will find that it is impoſſible it ſhould be otherwiſe, without overturning all Civil Governments.

Diſputes about legal Rights how to be ended.

Suppoſe then that the true Heir to an Eſtate ſhould be diſpoſſeſs'd of it by an erroneous or corrupt Judgment at Law; and another by the ſame Judgment ſhould by all legal Methods us'd in ſuch Caſes, be poſſeſs'd of it, tho he be not the true Heir; here now is *jus ad rem*, and *jus in re*: The true Heir by the Laws of Inheritance has the legal Right to the Eſtate; but by the ſupreme Law of all Societies, which refers the deciſion of all perſonal Rights to a legal Authority, he who by a legal Judgment is poſſeſs'd of it, has the legal Right in the Eſtate againſt all Claims; and legal Authority muſt defend him in it; and all who will ſubmit to Laws and legal Authority, muſt acquieſce in it.

And thus it muſt be with reſpect to the Rights of Princes, as well as of Subjects. The Right to the Crown is often diſputed, as we all know; and to ſay that when ſuch Diſputes happen, there is no Authority in the Nation to decide them, is to ſay that Princes have no Rights to their Crowns by the Laws of that Nation: for there can be no civil Laws, of which there are and can be no civil Judges; for no Man, no not a Prince, can be Judg in his own Cauſe: and if Princes have no legal Rights, they can loſe no legal Rights when they loſe their Crowns; and I doubt their natural Rights will affect the Conſciences of very few Subjects.

The Society the Judg of all diſputes about civil Rights.

A ſupreme Independent Society muſt, from the nature of ſuch Societies, and the reaſon of their Inſtitution, have Authority within it ſelf to decide all Controverſies which may ariſe about the Rights of every Part or Member of the Society, and to preſerve it ſelf from falling into a State of War, which is a Diſſolution of Civil Government: and if there be ſuch an Authority in every Nation, when the ſupreme Authority has determin'd ſuch Diſputes, it muſt determine Subjects; and no Right, or Pretence of Right, can affect the Conſcience after ſuch a final Judgment; unleſs Civil Rights can oblige Subjects to diſſolve Civil Governments, and to diſpute legal Rights, not by the Law, but by the Sword; which is to overthrow all Civil Rights, and to put an end to the Authority of Laws.

This ſhows how much thoſe Men are miſtaken, who think there can be no King in an hereditary Monarchy, but the next lineal Heir; and that no Allegiance being due or to be paid to him who is no King, none can therefore be due to any Prince, however poſſeſs'd of the Throne, if he be not the next Heir. That no Obedience is due to him who is no King, I readily grant, tho it may in ſome Caſes be paid to him who is no King: but he may be a legal King who is not the next rightful Heir; as almoſt half of the Kings of *England* ſince the Conqueſt were not, and yet have been always own'd and obey'd as legal Kings.

Difference betwixt natural and political Relations.

But the ground of the Miſtake is, that they do not diſtinguiſh between natural and legal Relations; but think a King to be a King by as certain and unchangeable a Right, as a Father is a Father: as if Laws were of the ſame force and power with Nature; as if to be Heir to a King, which in hereditary Monarchies gives a legal Title to Succeſſion, did as neceſſarily and unavoidably make a King, as natural Generation makes a Father. Theſe Men do not conſider, that in natural Relations the Right makes the Relation, and enters its definition; and therefore the Right and the Relation can never be ſeparated: The Right to be a Father is to beget, and the Definition of a Father is he who begets; and therefore no Man can be a natural Father, but he who begets; and every one who begets, is a Father. But now in legal Relations, an antecedent Right does not make the Relation, nor is any part of its definition: The Right to be a King is one thing, and to be a King is another; the Rights may be very different, but the Notion of a King is the ſame. The Rights may be hereditary, patrimonial, teſtamentary, by Election, or by Conqueſt; but the

the Notion of a King is one who adminiſters the Civil Government with a Sovereign Authority; whoever does ſo, is a King, whatever his Title may be; as he that begets is a Father, tho it be by unlawful Embraces. The anſwer to that Queſtion, *Who is King?* is not, *He who has the Right to the Crown*, but *he who is inveſted with the Regal and Sovereign Authority.* But if we inquire how he came to aſcend the Throne? whether he be an hereditary or elective King, a King *de facto*, or an Uſurper? Theſe Queſtions muſt be anſwer'd by the Claim or Title by which he holds: That he was the Right Lineal Heir of the laſt King, or that he was elected by the People; or that there being ſome diſpute about the Crown, it was adjudg'd to him by the Eſtates of the Realm; or that he won it by his Sword, and either keeps it ſtill by Power, or now wears it by the Conſent and Submiſſion of the People. An antecedent Right cannot belong to the definition of the King, for then there could be no Kings but hereditary or teſtamentary Monarchs; and as for any other Right, he has it who is inveſted in the Regal Authority by thoſe who are the ſupreme Power of the Kingdom, and repreſent the Body of the People, when there is no Monarch, nor Proviſion for adminiſtration of Government. Whoever is inveſted with the true regal Authority, is a true and right King; for he to whom the true definition of a King belongs, is a true King. An Uſurper who governs by mere Power, and by the forc'd Submiſſion of the People, has the Power, but not the Authority of a King. But he who is ſettl'd in the Throne by the free Deciſion and Declaration of the ſupreme Authority of the Kingdom, has the Authority as well as the Power of a King; and therefore is a true King, whether any private Subject think he had any antecedent Right or not.

Whoever is inveſted with regal Authority, is a true and right King.

So that it is a groundleſs Pretence, that in an hereditary Monarchy he is no King, how ſolemnly ſoever inveſted with the Royal Authority by the Eſtates of the Realm, who does not aſcend the Throne by a lineal Succeſſion: for he is a King, who has the Authority of a King; and he has the Authority of a King, who is inveſted with the Regal Authority by the Eſtates of the Realm: for there is no other human way of conveying the Regal Authority; and then the Reaſon and Nature of things is ſo far from forbidding, that it requires us to pay our Allegiance to him, who is legally inveſted with the Regal Authority and Power.

But yet this is not the queſtion, Whether in an hereditary Monarchy the next Heir ought to be own'd and recogniz'd for King? But, whether Subjects may not with a good Conſcience obey him as the legal Rightful King, to whom (when the Right to the Crown is diſputed) the Eſtates of the Realm adjudg the Crown? For all mere legal Rights (when any Controverſies happen about them) muſt be declar'd by the Judgment of a legal and competent Authority; and Subjects have no legal Cognizance of any legal Rights, but by a legal Sentence and Judgment. Their private Opinions and Judgments, in ſuch caſes as do not concern natural but legal Rights, are not the Rule of Conſcience (for that would overthrow all Civil Authority) but the publick Judgment; and therefore he muſt be own'd and obey'd as King, whom the higheſt Authority of the Nation places on the Throne, whatever our private Opinion may be about the Right of Succeſſion.

He is the legal and rightful K. to whom the Eſtates have adjudg'd the Crown.

Whoever will not allow of this, could not in Conſcience have paid their Allegiance to almoſt half the Kings that have been in *England*, ſince *William* the Conqueror. *W. Rufus* and *H.* 1. were not lineal Heirs, for their elder Brother *Robert* was ſtill living; King *Stephen* and King *John* were Kings without an hereditary Title; *Edward* the 3*d* was crown'd upon the Depoſition and forc'd Reſignation of his Father; the three *Henries*, 4, 5, 6. were of the *Lancaſter* Line, which was the younger Houſe, and excluded the rightful Heirs of the Houſe of *York*; and *H.* 7. had no perſonal Right of Succeſſion to the Crown, but yet he had the Crown before he marry'd the Heireſs of *York*, and took the Adminiſtration of the Regal Power to himſelf, tho the Authority was hers, and kept the Crown after her Death, tho the Right was in his Son; which were as manifeſt Violations of the Right of Succeſſion as the three *Henries* had been guilty of. So that there have been eight Kings ſince the Conqueſt out of the Line of Succeſſion, and generally known to be ſo, beſides the Conqueror himſelf, who could pretend no lineal Succeſſion to the Crown; and theſe Kings Reigns put together amount to near two hundred years. And what ſhould the Subjects of *England* have done all this while, if the lineal Succeſſion had been ſo ſacred, that they were bound in Conſcience to own no King but the lineal Heir? How ſhould the *Norman* Line ever have begun, who were not the lineal Heirs? And how came the lineal Succeſſion in the *Norman* Line to be ſo ſacred, which it ſelf began without it, and had no lineal Succeſſion for the firſt four Reigns?

8 *Ks of* E. *without an hereditary Title.*

But I muſt not diſmiſs this Argument without examining a late Author, who diſputes

* Duty of Allegiance settl'd on its true grounds.

putes very vehemently, *That Authority muſt go by rightful Titles:* He ſays a great deal about it, but a ſhort Anſwer will ſerve when once the Caſe is plainly ſtated: He defines * *Civil Authority to be a Right or Liberty in one to order or do a thing in civil Matters, laying an Obligation on others to follow, or ſubmit to him.* Tho this be a lame and equivocal definition, yet I ſhall not diſpute with him about it, if he will add the word Legal, that Civil Authority is a Legal Right or Liberty, *&c.* I agree with him that Authority is very different from external Force; and I have reaſon to grant to him (for he ruins his own Cauſe by it) that God makes no Kings, but thoſe who are made Kings by ſome humane Acts, and have a humane and legal Right to Kingſhip. But now how does he prove from hence, that in *England* (ſuppoſe) none can have a legal Right to govern, but thoſe who have this rightful Title of a lineal Succeſſion? For if the Title is not the Authority, but a legal Inveſtiture gives a legal Authority, it is poſſible that a legal Title, and a legal Authority, may be ſeparated, and the Authority continue legal ſtill. Legal Authority muſt be convey'd in ſuch manner, and by ſuch forms as the Law has preſcrib'd, or appoints to that purpoſe, for there is no other way of conveying it; and then that Authority which is given in form of Law, and that only, is a legal Authority: If then the Eſtates of the Realm, who are the only Judges of ſuch Diſputes, adjudg and give the Crown to one, whom we ſuppoſe not to have an antecedent legal Title to it, yet he becomes legally poſſeſs'd not only of the external Force and Power, but of the legal Authority of Government. And therefore he may challenge as his due, all legal Obedience (which muſt be the true Notion of Allegiance, for nothing more than legal Obedience can be due to a mere legal Authority) becauſe he is inveſted with the legal Authority: the Regal State is his legal Property againſt all other Claims, and his Subjects muſt defend him in it; as the legal Properties of private Perſons are determin'd by Judgments of inferior Courts of Law. And if God makes Kings by humane Acts, I hope it is no Injuſtice in God to make him a King, whom the Law makes a King, and to enjoin our Obedience to a legal King: and therefore whatever he can make of the Fifth Commandment, the legal King is our Politick Father; and therefore entitul'd to that Honour which is there commanded, if that concerns Princes, which I need not now diſpute. Legal Authority may be ſaid to be annex'd to the legal Title, while there is no legal Judgment againſt it, which was the Caſe of Queen *Mary*, and *C.* 1. and 2. But when one is ſolemnly declar'd King, and plac'd in the Throne by the Eſtates of the Realm, he is the legal King and has the legal Authority, as the Royal Eſtate and Dignity was own'd to be in *H.* 6. when the Duke of *York* diſputed the Right to the Crown. And thus it muſt be in all legal Rights, as I have already prov'd: and this ſtrikes at the Foundation of all this Author's Arguments; and therefore I need follow him no farther.

Definition of Civil Authority.

Kings are made by human Acts.

Legal Obedience due to legal Authority.

Legal King our political Father.

Another difference between legal and natural Rights.

5*thly.* There is another difference between legal and natural Rights: not only that legal Titles, and legal Authority, may be parted from each other; but that legal Titles and legal Authority may be rightfully ſeparated from the Perſons, to whom they were once due, which natural Rights can never be. A King may ceaſe to be a King, tho a Father can never ceaſe to be a Father; for Laws have not the ſame Force and Power that Nature has. All Men confeſs this may be done by a voluntary Reſignation, which diveſts ſuch a Prince of all Rights and Authority to govern; and if it may be done any way, his Right and Authority is not inſeparable from his Perſon. Our Adverſaries indeed will not allow that a King can loſe his Right, unleſs he voluntarily part with it himſelf; and therefore that no man can be King, while a former King is living; and that God himſelf cannot advance a King to the Throne, while any one is living who ever had a Right to that Throne, and never reſign'd his Right; becauſe it is contrary to Juſtice to give away the Throne from a Prince, who has the Right to it: as if God had not an original Right to all the Kingdoms of the World, but was confin'd to human Rights and Claims in making or unmaking Kings. But if a King can part with his Kingſhip, it is poſſible he may loſe it too; for there are uſually more ways than one, of parting with that which may be parted with: And beſides what is granted, *viz.* a Voluntary Reſignation, I ſhall conſider two other, Conqueſt and Abdication.

Legal Rights may be parted with, but not natural

Title of Conqueſt conſider'd.

1. *Conqueſt:* Which I do not mention as if I thought this to be our Caſe, that we are a conquer'd People, and that King *William* aſcends the Throne by Conqueſt. For whatever may be ſaid of the Conqueſt of King *James* (who was either forc'd out of his Kingdoms, or left them voluntarily; if the firſt, he was conquer'd; if the ſecond, he abdicated in the moſt proper Senſe, and I know no medium between them) yet the People of *England* are not conquer'd, nor did the King ever pretend any ſuch Right to the Throne. But let this

this be as it will, all I intend at preſent, is to convince theſe Men, that the Crown may be loſt by Conqueſt, which may extinguiſh old Rights, and begin a new one, and deliver Subjects from their Allegiance to a conquer'd Prince.

Kings loſe their Crowns by Conqueſt de facto.

That *de facto* Kings do loſe their Crowns by Conqueſt, that many great Revolutions of States and Kingdoms are owing to this Cauſe, and that no Nation ever made a ſcruple of Conſcience about ſubmitting to a Conqueror, is plain beyond denial. But the Queſtion is, *quo jure?* How a Conqueror can gain a Right to a Throne, which another Prince has no legal Right to? And how Subjects, tho conquer'd, can transfer their Allegiance from the rightful Prince to the Conqueror, who has no other Right but the Sword? And I ſhall diſtinctly conſider this with reſpect to Princes, and with reſpect to Subjects.

Now the general Anſwer to both is this, That legal Rights can reach no farther than the Laws of the Land, nor oblige any Perſons whom they do not oblige, nor oblige any longer than the Laws oblige: Theſe are ſelf-evident Propoſitions, and need no proof; for Rights which are founded only on Laws, can reach no farther, nor laſt any longer than the Laws do.

Legal Right is limited to the Countries that make the Laws.

1. In the firſt place then, with reference to Princes, no legal Right that any Prince has to his Throne, can debar another foreign Independent Prince in caſe of a juſt Quarrel, to ſubdue and conquer, and take his Crown. The reaſon is, becauſe the Laws of the Land, which give a Prince his Crown, do not oblige foreign Princes, but only Subjects. The Laws of particular Countries are Laws only to themſelves; but there is no Law between Sovereign Princes, but the Laws of natural Juſtice, and the Law of Nations. The Rights of Princes, with reſpect to each other, are only Poſſeſſion, which is the only Right Men can have to any thing in a ſtate of Nature, before the forming of Civil Societies, and with them legal Properties. And for the ſame reaſons that any Man in a ſtate of Nature might juſtly be turn'd out of his Poſſeſſion, a Prince may ſtill with equal Juſtice be turn'd out of his Kingdom by another Prince: and a Prince who conquers in a juſt War, may ſeize the Throne of the conquer'd Prince; and if he be plac'd there by the Conſent and Submiſſion of the People, he is no Uſurper upon either Prince or People, but a rightful Prince, who begins a new legal Title. How indefeaſible ſoever a Prince's Right be by the Laws of the Land, that is no Rule to foreign Princes, ſo they do not violate the Laws of Nations, nor the natural Rules of Juſtice in ſeizing his Throne; and whenever the Crown may be juſtly taken, it is juſtly loſt, and there needs neither the Death, nor the Reſignation of the legal King, to give a juſt Title to the Conqueror. Poſſibly there have ſeldom been any ſuch juſt Wars, or juſt Conqueſts; but it is enough to my purpoſe, if ſuch there may be: and I think no Man doubts, but that there may be juſt Cauſes of War; and a juſt War will make the Conqueſt juſt.

How Conqueſt gives a legal Title.

If any Prince or State be injurious to their Neighbours, the injur'd Prince may demand Satisfaction; and if it be deny'd, may take it himſelf, as every private Man may do in a ſtate of Nature, when there is no Superior to judg between them: which brings ſuch a Diſpute to the Deciſion of the Sword, which is the only Redreſs of Injuries, when there is no Civil Authority to judg between them. And yet it were to no purpoſe to fight, if it were unlawful to conquer, and not only to do himſelf Right, but prevent future Wrongs from the injurious Prince.

For a Prince to invade the Dominions of another Prince, or to aſſiſt ſuch an aſpiring Monarch to enſlave his Neighbours, is a juſt Cauſe for the injur'd Princes and their Confederates to oppoſe Force to Force; to fight and conquer if they can, and take the Crowns of ſuch injurious Princes.

Subduing of Tyrants accounted an heroical Act.

Nay, it has been always accounted not barely a juſt Cauſe of War, but an Heroical Act to ſubdue Tyrants, and reſcue their oppreſs'd Subjects, who either cannot or muſt not defend themſelves. To vindicate the Injur'd and Oppreſs'd, is what all Mankind not only allow, but applaud; private Men may do this againſt private Oppreſſors, by a courſe of Law where they are under Laws, or by private Force where they are not. Princes who have the Power of the Sword, may repreſs Violence and Injuſtice wherever they ſee it; for tho they have no ſuperior Authority over each others Perſons, nor Juriſdiction in each others Kingdoms, yet being under no Authority neither, nor any Laws which forbid their redreſſing Injuries, and relieving the Oppreſs'd, it is ſo far from being a fault, that it is great and generous to do it. Every Man in a ſtate of Nature, where there are no Civil Laws nor Government, has Authority enough to right thoſe who ſuffer againſt natural Right. But this Liberty is reſtrain'd for the advantage of human Societies, and the

administration of Justice is put into the Hands of the Prince and his Ministers. But Princes themselves are under none of these Restraints, and therefore may not only administer Justice to their own Subjects, but may repress the Violences and Injuries of other Princes, not only against their Neighbour Princes, but against those who are subject to them, and cannot help themselves. They have certainly as much Authority to relieve oppress'd Subjects, as an oppress'd Prince; and no man thinks it ill for one Prince to assist another against a powerful Oppressor: And I do not know it was ever thought a fault yet, to relieve Subjects against an oppressing Prince, where the Oppression was notorious, and not made a mere pretence for Usurpation. I would desire any man to give me a tolerable Reason, why it was not as lawful for the Prince of *Orange* (had there been no other reason for it) to rescue and defend the Subjects of *England*, against the illegal Power and Oppressions of their King, as it is for the *French* King (some Mens Pattern of Honour and Bravery) to indeavour by force of Arms to restore the late King *James* to his Throne again?

Lawful to assist oppress'd Subjects.

Query put to the Jacobites.

And if Religion be concern'd in the Quarrel, it is never the worse for that, but the more reasonable and just: For why should not Princes be concern'd for the Glory of God, from whom they receive their Authority, and vindicate his Worshippers from the Persecutions of cruel Tyrants? Subjects indeed must not rebel, Christianity must not be forc'd upon Men by Fire and Sword; but must it not be defended neither by Christian Princes? When God has put the Sword into their Hands, must they stand by and see the Worshippers of Christ persecuted, and not help them when they can? I am sure God deliver'd the Christian Church from the most bloody Persecution that ever was, by the Arms of *Constantine*, and made the Cross his Banner. And this was none of the least Causes of his War with *Licinius*, that he persecuted the Christians. When *Constantius* the *Arian* Emperor persecuted *Athanasius*, and the Orthodox Bishops and Christians, *Constantine* advis'd him of it, and threatned War against him if he persisted in it: and it does not appear, that the Christians of those days, who fled to *Constantine* for Refuge, thought he would have done ill in it; and yet their Dominions and Authority were as distinct and absolute, as *France* and the *Grand Seignior*, tho the most Christian King follows other measures.

Religion is to be defended.

Instances thereof.

Allegiance due to the Deliverer.

Now I know not how to think that Men are serious, when they will not allow an oppress'd People, deliver'd by such a generous and charitable Prince, to own their Deliverer, and pay Duty and Allegiance to him? I think Slaves have so much liberty as to own the Conqueror; and if he deliver them, and set them at liberty, and make Subjects of them instead of Slaves, to be his Liege Men for ever. But some Mens Notions make them greater Slaves to Princes than ever the World knew before.

How Allegiance is to be transfer'd.

2*dly*. But this brings me to a more difficult Inquiry, *viz*. How Subjects, even in case of Conquest, can be deliver'd from their rightful Prince while he lives, and be at liberty with a safe Conscience to transfer their Allegiance to the Conqueror? For tho foreign Princes are not oblig'd by the Laws of the Land, yet Subjects are, and therefore are still bound to pay their Allegiance to that Prince, whom the Laws of the Land make their Prince.

Allegiance follows the Crown.

How difficult soever it may be to assign the Reasons of this, it is certain it must be so, if a Prince may lose his Crown by a just Conquest; for if a Prince justly lose his Crown, he must lose the Allegiance of his Subjects, which must follow the Crown. And it is impossible one Prince should lose his Crown, and another win it, were it unlawful for Subjects to transfer their Allegiance to the Conqueror; which is reason enough to conclude, That the Laws of the Land do not oblige Subjects in such Cases: and if we carefully consider the true Nature and Obligation of National Laws, we shall be easily satisfied that they do not.

National Laws depend on national Authority.

For it is certain, National Laws have their whole dependance on the National Authority; it is That only makes them Laws, and they can continue Laws no longer than that Authority lasts which gives Being and Obligation to them: and therefore National Laws must of necessity partake in all the Changes and Alterations of Government. Our Obedience is not due to Laws, but by virtue of the Authority that commands them; and when the Authority is at an end, the Obligation of Laws must cease, as far as they respected that Authority. Laws are made for a settled Government, and they oblige Subjects while the Government is and can be administer'd by these Laws; but when the Authority and Government is chang'd, and they cease to be Laws in *Westminster-Hall*, they are no Laws in Conscience neither: For how can Laws oblige without Authority? Or what Authority

ty can mere human National Laws have againſt all the preſent Authority and Government of a Nation? As for example, the legal Right to the Crown concerns a regular and legal Succeſſion, but not the beginnings of a regal Power. The Law of Inheritance continues the regal Power in the Family poſſeſs'd of it, whoſe Inheritance originally it was not; for the firſt King of the Family could not be Heir to the Crown, by whatſoever other means he came by it: and therefore it can oblige Subjects only againſt their own voluntary Interruption of the Royal Line, but not againſt violent Revolutions; for this is to make a Law, that no Prince ſhall conquer a legal King, and poſſeſs himſelf of his Throne; that is, to make a Law, that the Sea ſhould never break its Banks: and in caſe of ſuch a Revolution, to make a Law, that no Subjects ſhould own or ſubmit to the prevailing Prince, is like making a Law, that no Cottages or Villages ſhould be drown'd or carry'd away, when ſuch a Deluge happens. Laws were never made for ſuch Caſes as theſe, and therefore in ſuch Caſes cannot be ſaid ſo properly to loſe their Obligation, as not to be Laws. We may as reaſonably ſay, that the Subjects of *England* are bound to obſerve the Laws of *England* when they are in *France*, as that they are bound in conſcience to obſerve the old *Engliſh* Laws, if the *French* King ſhould by Force aſcend the *Engliſh* Throne. No Laws can be made againſt violent Revolutions, becauſe ſuch Revolutions over-power Laws; and it is as abſurd to ſuppoſe that any Laws ſhould oblige the Conſcience to oppoſe the ruling and governing Power, when ſettled by a legal Inveſtiture: Which is to ſuppoſe, that Laws which are only Rules of Government, and owe their Being to a National Authority, ſhould oppoſe all the Authority of the Nation.

No Laws are made againſt Revolutions.

Thus I obſerve further, that mere human Laws cannot oblige the Conſcience againſt Force; for when Authority cannot protect, it cannot command. Civil Societies are inſtituted for mutual Defence; but when I am out of the Protection of Civil Authority, my natural Liberty of Self-defence returns. If a Man fall among Thieves, he may make the beſt Terms with them for his Life that he can, and no Laws can deny him this Liberty; for Self-preſervation is a natural Right, and Nature is ſuperior to human Laws, and of greater force. It does not hence follow, that the mere Oppreſſion of Government reſtores this natural Liberty, becauſe we have granted away this Right of Self-defence, by entring into Societies; and God has taken it away, by forbidding us to reſiſt Authority: and it is a very different thing to defend our ſelves when Authority cannot defend us, and to defend our ſelves againſt Authority; the firſt we have not granted away, the ſecond is againſt the fundamental Reaſons of human Government. And the nature of Societies ſuppoſeth, that while the Conſtitution of the Government is ſecur'd, we muſt ſacrifice our private Rights and Intereſts to publick Peace and Order; but it was never the Intention of human Government to deny Men the Right of Self-defence, when Authority could not protect them: This is the Caſe of Slaves and Captives, of beſieg'd Cities and Gariſons, who have a natural Right to ſubmit to the Conqueror, when their own Prince cannot relieve them. And this wholly waves the Diſpute about Authority; for whatever Authority may be ſuppos'd to remain in the Prince, his Authority is at an end, as to thoſe Perſons whom he cannot protect; as Civil Societies themſelves muſt diſſolve, and all their Authority end, when they cannot defend themſelves. And when any Subjects are deliver'd from the Authority of the Prince, who cannot protect them in paying their Allegiance to him, they are at liberty to make the beſt Compoſition they can with that Prince in whoſe Power they are, and to become his Subjects: and when they have bound themſelves to him by Oath, their former Allegiance is utterly extinct; when we are at liberty from one Prince, we may make our ſelves Subjects to another; and when we have done ſo, we can owe Allegiance to none but him.

No mere human Laws oblige againſt Force.

Right of Self-defence natural.

Authority ends when Protection fails.

To confirm all this, I obſerve farther, that the Laws of particular Countries are ſubordinate to the Laws of Nations, and muſt give place to them. By the Laws of Nations, I mean ſuch Laws as from the reaſon and nature of things, and by common Practice and implicite Conſent, are made the Rules and Meaſures of Juſtice between Sovereign Princes and Independent States. Now, as I have already ſhown, by the Laws of Nations, Princes by a juſt Conqueſt may acquire a juſt Title to the conquer'd Prince's Throne; and if Princes may acquire ſuch a new Right and Title, it is certain Subjects by the Law of Nations may own ſuch a new acquir'd Right. For the univerſal Reaſon of Mankind muſt over-rule private and national Conſtitutions: for every Man is a Member of the Univerſe, and a Citizen of the World, as well as a Subject of a particular Kingdom; and the more univer-

Laws of particular Countries ſubordinate to the Law of Nations.

ſal Obligation always takes place of particular Obligations; for they are prior Obligations, and ſuppos'd in that which is particular, which therefore cannot derogate from them. And it would be very ſtrange, if a Prince by the Law of Nations may acquire a new Right, and yet it ſhould be unlawful for Subjects to own his Right.

Nay, the univerſal Conſent and Practice of all Nations, both of Princes and People, have made this the ſtanding Law of all Revolutions, to ſubmit to the prevailing Power, even when there is no pretence of Right, but only Force. No People ever ſcrupl'd this (till of late) upon Principles of Conſcience, tho the Laws and Liberties of a Nation have made ſome ſtruggle to the laſt, to ſhake off the Yoke of an Uſurper.

The Primitive Chriſtians complied with all Revolutions of the Empire.

The Primitive Chriſtians comply'd with all the Revolutions of the Empire, and never diſputed the Rights and Titles of their new Emperors; and thoſe who can find out legal Rights for all their Emperors, are well qualify'd, if they ſo pleaſe, to be Advocates-general for all the Uſurpers that ever were in the World: But the Chriſtians of thoſe days never concern'd themſelves either with making or unmaking Emperors, but took them as they found them, and believ'd them all to be ſet up by God, as is evident from *Tertullian*'s Apology. The Chriſtian Biſhops of thoſe days ſubmitted even to *Maximus* himſelf; and tho *Sulpicius Severus* tells us, they were cenſur'd for their forward and flattering Courtſhip to that Tyrant; yet no Man blam'd them for their bare Submiſſion and Obedience to him as Emperor, which St. *Martin* himſelf did, tho he treated them at firſt with a Monkiſh Liberty and Rudeneſs. The Irruptions of *Goths* and *Vandals* furniſh us with as many Examples of this, as they obtain'd Conqueſts; for there were no Chriſtians found ſo hardy in thoſe days, as to diſpute their Titles, and reſerve their Allegiance for their Emperor: And to this day it is as conſtantly practis'd without any ſcruple, as there are Cities and Gariſons beſieg'd, ſurrendred, or taken, and that before any Compoſition made by the Prince, whoſe Subjects they were, as a late * Author inſinuates, contrary to the known and viſible daily Practice of all People.

Inſtances thereof.

* The Duty of Alleg.

This is what all Princes expect from the Subjects of other Princes when they fall into their Power by the Succeſſes of War, and therefore what in reaſon they muſt allow their own; and ſuch a general Conſent of Princes and People makes a ſtanding Law for Revolutions: And no Man's Loyalty or Fidelity to Princes ought to ſuffer, even in Opinion, upon this account.

The Abſurdity of the Jacobite Principles in the Caſe.

Nay further, the Laws of our Country, which are the Rules and Meaſures of Civil Government, can never oblige Subjects to the Overthrow of all Government. Yet ſhould theſe *Jacobite* Principles take place, that we muſt upon no pretence own any King but the rightful lineal Heir while he is living, many Caſes may ſo happen, wherein Subjects muſt be bound in Conſcience to own no Government; thus it muſt neceſſarily be, whenever the rightful King can't govern, and yet no body elſe muſt; when he is conquer'd and driven out of his Kingdoms, and Subjects muſt not own the Conqueror, tho they can have no other Prince to govern them. I would only deſire theſe Men to tell me, Whether any Laws can oblige Men to live under no Government? to diſſolve Civil Societies into a ſtate of Anarchy? If there were ſuch a Law made, it would be a void, nay an impious Law, as being againſt the Laws of Nature, and the Laws of God, who has created Man a ſociable Creature, and inſtituted Civil Societies for the Government of Mankind. And is it not as unreaſonable then to expound any Laws to ſuch a ſenſe as ſhall oblige Subjects to diſſolve the Government of the Nation, as far as in them lies, and not to own any Authority but Force? Whenever they can prove that there ought to be no Government in a Nation, while the rightful Prince cannot govern, I will grant, that Subjects ought to own no other Authority: but if no Laws, no legal Rights, can be more ſacred than the very Being of human Societies and civil Government, the Rights of Princes muſt give place to the neceſſities of Government; for it is more abſolutely neceſſary, that human Societies ſhould be maintain'd and govern'd, than that any Prince, how unconteſted ſoever his Right be, ſhould govern; for I think legal Rights, which owe their very Beings to human Societies, were never intended to put an end to them.

Rights of Princes muſt give place to the neceſſities of Government.

Transferring of Allegiance juſtify'd.

This I hope is enough to clear this Point, That a King may loſe his legal Right to the Crown by Conqueſt, which gives the Conqueror in a juſt War a new Right, and ſets Subjects at liberty to transfer their Allegiance to the Conqueror: And I ſhall obſerve by the way, that tho we are not a conquer'd People, yet moſt of thoſe Reaſons which will juſtify Subjects in transferring their Allegiance to a Conqueror, will

will much more juſtify our Submiſſion and Allegiance to their preſent Majeſties, whatever Opinion we have about their Right.

Allegiance by Law due only to their Majeſties.

For it is certain the Authority of the Nation is now in their Hands, and plac'd there by a legal Judgment: and if national Laws, which are the Laws of the Government, cannot oblige the Conſcience without a national Authority, to give an Obligation to them, much leſs againſt a national Authority; then there can be no Law in *England* which at this time obliges the Conſciences of *Engliſh* Subjects to pay their Allegiance to the late King *James*. There is no ſuch Law to be found in *Weſtminſter-Hall*, or Parliamentary Judgments or Determinations, and then I know not where to find it. There is no King in *Weſtminſter-Hall*, or on the Parliament Rolls but King *William* and Queen *Mary*; no Treaſon but what is committed againſt them, and therefore no Allegiance due by Law, but only to them: For Treaſon is a violation of our Allegiance, and where no Treaſon can be committed no Allegiance can be due.

Tho the Nation is not conquer'd, yet it is certain, that private Subjects are under as great Reſtraint by the legal Change of the Government, as if they were in the Power of a Conqueror; for to reſiſt would be equally fatal to them in both Caſes, and there is no Authority that can defend them. And if human Laws cannot oblige the Conſcience againſt Force; if every Man has a natural Right to preſerve himſelf by yielding and ſubmitting to Power, when there is no Authority to defend him againſt it; why may he not as well ſubmit to the irreſiſtible Power of a national Authority (how unjuſt ſoever he thinks it is) as to the military Power of the Sword? Why may not Men as well ſubmit when they are conquer'd in the higheſt Judicature, as in the Field? It ſeems to me, that there is little difference between them, when Men muſt forfeit their Lives, Eſtates, or Honours either way: And when the Authority of the late King (whatever they ſuppoſe it to be) can no more defend them from the Laws than from the Sword, what ſhall hinder his Authority's being at an end to them, and their being at liberty to take care of themſelves?

The Subjects have a Right to their Lives and Liberties as well as the K.

The Subjects of *England* have a legal Right to their Lives, and Liberties and Properties, as well as the King; and I know no Law that commands Subjects to forfeit their Lives, and Liberties, and Properties, merely becauſe they cannot defend the King in his, nor the King them in theirs. In Caſes of ſuch Extremity Kings will take care of themſelves, and Subjects have as much Right to take care of themſelves. If any Neceſſity will juſtify Kings in leaving their Thrones and the Government, and the Defence of their Subjects, the ſame Neceſſity will juſtify Subjects in ſubmitting to a new Power. No mere human Laws, nor human Authority can oblige in Caſes of extreme Neceſſity: The Authority of God indeed can, becauſe God can reward and puniſh beyond the Grave. But tho the Laws of Men are bound on us by the Authority of God, yet God requires us to obey Men and their Laws no farther than their Authority reaches; and therefore not in Caſes of extreme Neceſſity, which in moſt Inſtances will diſpenſe with the poſitive part of Moral Laws themſelves.

Abdication and Deſertion conſider'd.

Secondly, Let us now conſider the Caſe of *Abdication* and *Deſertion*, which was plainly the Caſe of the late King *James*: For he ſeeing himſelf deſerted by his Subjects, and by part of his Army, who would not fight for him againſt their Religion and Liberties, durſt not venture the Fortune of a Battel; and being, as appears by his Actions, reſolv'd not to ſubmit the Redreſs of all Grievances to a Free Parliament, had no other way left but to withdraw his Perſon, and fling up the Government.

The State of the Caſe.

The Queſtion then is, Whether this was ſuch a leaving of his Crown, as put it into the hands of the Eſtates to diſpoſe of it to the next Heir. We muſt not expect to find any Precedent of this nature, nor any Proviſion made for it in Law; for there never was an Example of this kind before, and probably will never be again: But all ſuch unuſual Caſes muſt be determin'd by living Judges, according to the Reaſon and Nature of Things. We know how it has been determin'd, and what Diſputes thoſe Words *Abdication* and *Deſertion* have caus'd; but I ſhall not diſpute about Words, but conſider the Thing.

Kings are made for Government.

I need not be at any pains to prove, that Government is abſolutely neceſſary, and that all People have as natural a Right to ſupply the Vacancies of Government according to the Laws and Conſtitutions of the Kingdom, as they had at firſt to form themſelves into human Societies: That Kings are made for Government, and therefore have no longer any Right to Kingſhip than they will adminiſter the Government. And I think it is as plain, that for a King deliberately to quit his Kingdoms,

doms, without making any manner of Proviſion, or leaving any Authority behind him to govern in his name, is actually to quit the Government. For to leave off governing (as he does who withdraws his Perſon and Authority) is to quit the Government: And when the King leaves his Crown and Government, it muſt either of right belong to the next Heir, or the Body of the Nation, and the Eſtates of the Kingdom will be reſtor'd to their liberty of providing for themſelves; for the Nation muſt be govern'd.

What it is to quit the Government.

It is evident indeed, that Princes many times leave their Thrones without any Intention to give up their Right to Government: But the Queſtion is not what they intend, but what they do. If to leave their Thrones empty, which muſt be fill'd by ſomebody, be in the nature of the thing, or by neceſſary and unavoidable conſequence, to give up the Poſſeſſion of them to ſome body elſe, it is vain to talk of parting with the Poſſeſſion, without parting with the Right, as far as he parts with the Poſſeſſion. For tho a Right to the Crown be a different thing from the Poſſeſſion of the Crown, yet the legal Poſſeſſion of the Throne, and the legal Right to Government, are either the ſame thing, or ſo inſeparably annexed, that to part with one is to part with both. The Right of Government (which is nothing but a Right to exerciſe all Acts of Government) is given by the legal Poſſeſſion and Inveſtiture; and therefore he who parts with his legal Poſſeſſion and Adminiſtration of Government, parts with his Right to govern. To forfeit the Obedience of Subjects, I think, is the ſame thing, as to forfeit the Right to Government; and that he moſt certainly does, who leaves the Government: For Subjects cannot be bound to obey him who will not govern, who leaves them to take care of the Government themſelves, or gives up the Government to thoſe who will take it. No Prince has a Right to oblige Subjects to live without any Government, when he thinks fit to leave them: and therefore by leaving the Government, he abſolves them from his Government, and gives them a Right to take care of themſelves; and if he gives them a Right to diſpoſe of the Government, he muſt give away his own Right to govern.

Parting with the Poſſeſſion is parting with the Right, and how.

None is bound to obey him who will not govern.

Thus it is in the nature of the thing, whatever the occaſion be that moves Princes to leave their Thrones, and how unwillingly ſoever they do it: For when a Prince leaves his Throne, he either leaves his Subjects in poſſeſſion of ſome new Powers, or makes it neceſſary for them to ſubmit to ſome new Government; and the ſame Neceſſity which juſtifies a Prince in leaving his Throne and Government, muſt abſolve his Subjects from their Allegiance: But then the different Reaſons for which Princes leave their Thrones, make a great difference in the Obligations of Subjects, as far as it is in their power to receive or not to receive ſuch a Prince again; the underſtanding of which will be of great uſe in our preſent Caſe.

Leaving the Government abſolves Subjects from their Allegiance.

When a Prince is driven out of his Kingdoms by a foreign Power, if Subjects are able to do it, they are bound in Conſcience to reſiſt the Uſurper, and to reſtore their Prince to his Throne again; if they cannot reſiſt, they may and muſt ſubmit. As their King unwillingly left his Subjects to ſave his own Life and Liberty, ſo Subjects may as unwillingly leave their King, and ſubmit to the Conqueror, to ſave their own Lives, and Liberties, and Fortunes. For the Neceſſity is equal on both ſides; the King does actually leave his Throne and Government, tho he be forc'd by a hard Neceſſity to do ſo, and when the Throne is left empty, Subjects are free: but ſuch a Vacancy being only the effect of Force, Subjects ought to take no advantage of it againſt their King, when it is in their power to reſtore him; but when they are under the ſame Neceſſity to fill the Throne that he was to leave it, his leaving it vacant will juſtify their filling it again, and ſubmitting to a new Prince.

As a King leaves his Subjects, ſo they may leave him.

If a King be driven out of his Kingdom by his own rebellious Subjects, this will never juſtify them in keeping him out. For tho the King be gone, he did not leave them, but they drove him away; and if the Throne be vacant, they themſelves made it ſo, and therefore are bound to fill it again with the Prince whom they have put out: And yet how far loyal Subjects in this caſe may ſubmit to Force and Neceſſity, and conſult the Peace and good Government of their Country, is a great Diſpute, which I have no occaſion to interpoſe in at preſent. All that I have to ſay as to this matter, is, That tho in this caſe the Throne be *de facto* vacant, yet it is not ſuch a Vacancy, as will juſtify Subjects in filling it with a new Prince: But if the Throne be fill'd, or a new Government ſet up, how far Subjects may ſubmit to it, is another Queſtion.

The Caſe of an expel'd K. by his rebellious Subjects.

If

If a King without any Force from his Subjects, privately without their knowledg, withdraws his Perſon and Authority, it is certain he leaves his Throne empty; but whether his Subjects may fill it with the next Heir, or muſt invite him back to fill it again himſelf, belongs to a Publick Judgment, upon a wiſe and equitable Conſideration of all Circumſtances: and ſuch a publick Jud gment ought to determine all private Subjects.

How the Throne becomes empty.

The Throne is empty when the King has left it, and an empty Throne mu ſt be fill'd, becauſe the Nation muſt be govern'd. But yet there ſeems to be ſome difference in the nature of the thing, between ſuch a Vacancy as this, by the King's withdrawing his Perſon and Authority, and a Vacancy by Death, which gives the next Heir an immediate Right to aſcend the Throne. The Right of Inheritance and Succeſſion does not immediately take place, but upon the natural Death of the King. Whether the Throne be ſo vacant, while the former King is living, as to give Right to the next Heir to ſucceed, is matter of Judgment, and muſt be determined by the judicial Sentence of thoſe to whom the Cognizance of ſuch Matters belongs.

The Judgment of the Eſtates determines it.

Now tho the Judgment of the Eſtates ought to be concluſive to private Subjects, yet if it be lawful after ſuch a Judgment to enquire into ſuch matters, it ſeems to me that King *James* had given them ſufficient reaſon to juſtify them to all the World in declaring his Throne vacant.

Neceſſity of filling the vacant Throne.

I have already obſerv'd (for there is no need of proving what is ſelf-evident) that when a King has left his Throne, it is empty, and that the Neceſſities of Government require that an empty Throne ſhould be fill'd again; and then it muſt be in the power of Subjects (whom the King has left without any Government, to ſhift for themſelves) to fill it. Now if the reaſon of the King's leaving be ſuch, as makes it juſt for them, if it be in their power, to call him back, they ought to do it; but if he left them for ſuch reaſons, as would make very good and loyal Subjects glad to be rid of him, they may with a good Conſcience take the advantage of his leaving them, to fill the Throne with a more deſirable Prince. For no Prince has liberty voluntarily to forſake his Government without giving up his Right to it, for human Societies muſt be govern'd; and therefore he actually deveſts himſelf of the Government, who by leaving it makes it his own choice not to govern: And when he has done ſo, 'tis very hard to conceive whence he ſhould have Authority to reſume the Government again at his pleaſure, without the concurrence of the People whom he would govern. So that to me it ſeems plain, That a Prince who once quits his Government, muſt expect a Reſtoration from the good Nature of his former Subjects, not of Right: His Appeal muſt be to Conſcience and Equity, not a Demand of their Duty by the ſtrict Rules of Juſtice.

Application to K. J's Caſe.

Let us therefore conſider the Caſe of the late K. *J.* with relation to Pleas of this kind. All that ever I could hear ſaid againſt his *Abdication and Deſertion* is, that he was driven out of his Kingdom by juſt and reaſonable Fears, and therefore left his Throne very unwillingly, and did not intend to deveſt himſelf of Royal Authority, but only to reſerve himſelf for better times, till he could return to his Throne by Force and Power. All this I verily believe is true, that he went away unwillingly, and hop'd to return again with Power, and had no mind, no intention to part with his Kingdom for ever. But what would they prove by all this? Would they prove that the late King did not leave his Throne? Or that when he had left it, the Throne was not empty? which is to prove that he did not leave his Throne, or that tho he left it, it was not empty, becauſe he left it, and left it empty in a fright. Or would they prove, that his going away in a fright was not a voluntary Reſignation of his Throne? I care not much if I grant this too, if they will but grant that it was a leaving it; for to leave a Throne, gives Subjects a Right to fill it, as well as a voluntary Reſignation does, becauſe the Throne muſt be full, or Government ceaſes: and a King that leaves his Throne, tho he knows it muſt be fill'd if he leaves it, does that by leaving his Throne, which he who reſigns it does by a formal Inſtrument of Reſignation; that is, he ſignifies to his Subjects that he won't govern them, but they muſt ſhift for themſelves: for it is not at the will of a Prince, whether a Kingdom ſhall be govern'd or not; and when the King has left them, it ſeems more regular and legal to place the next Heir on the Throne, than to ſet up any other Perſon or Government.

The Jacobites Plea examin'd.

The reaſons then, why Subjects ſhould not have filled the Throne, when the late King had left it empty, ought to be reſolv'd into the reaſons of his going away. What they were, is ſufficiently known; and I believe no *Engliſh* Proteſtant, who loves the Religion and Liberties of his Country, will ſay, that they are ſuch Reaſons

as would excuſe or juſtify his leaving them, or make it the Duty of Subjects to recal him.

The viſible Reaſon for K. J's going away.

The only viſible Reaſon of his leaving us was this, That if he ſtaid, he muſt be under a neceſſity to call a Parliament, and he was reſolv'd not to venture his Cauſe with them; not to ſuffer them to cenſure and redreſs the Miſcarriages of his Government; not to part with his Diſpenſing Power; not to give ſuch Security, as a Parliament would have demanded, for the Preſervation of their Laws, Liberties and Religion: that is, he was reſolv'd to be no King, or to be Abſolute and Arbitrary. And let any man judg, whether this were not a good reaſon for Subjects to take the advantage which he had given them, and to fill the Throne which he had made empty? To renounce a legal Government is to renounce the Crown of *England*; and he who leaves the Throne, to avoid the Neceſſity of governing by Law, may get it again when he can, but Subjects are not bound to give it him: They know for what reaſon he parted with it, and to reſtore it to him would be a plain Conſent that he ſhould have it upon his own Terms.

Pretences of Fear conſider'd.

I know it is pretended, That he had reaſon to fear that his Perſon was not ſafe in *England*; and that was the true reaſon why he withdrew into *France*. But this was ſo unreaſonable a Fear, had he reſolv'd to have comply'd with the Parliament, that it ſeems rather to be a plauſible Pretence than the true Cauſe of his withdrawing.

The Prince indeed was landed with a conſiderable Force, and the King was deſerted by ſome of his Subjects, who declar'd for the Prince; and by part of his Army, that went over to him: which I grant was reaſon enough for him to ſuſpect, that it was not ſafe for him to diſpute this matter by the Sword, and defeat his Hopes of attaining his irregular Deſires by a Victory. But it was no reaſon to think that his Perſon was not ſafe, would he have call'd a Parliament, and refer'd the Redreſs of all Grievances to them: thoſe who would not fight for him againſt the Prince, and againſt their Religion and Liberties, would have ſecur'd his Perſon from all violent Attempts. He had reaſon to believe this, ſince the Prince deſir'd no more, and the Aſſociators declar'd for no more (and all their Words and Actions ſpoke it) than that they would adhere to the Prince * *till our Religion, Laws and Liberties are ſo far ſecur'd to us in a free Parliament, that we ſhall no more be in danger of falling under Popery and Slavery.* The denial of this was the reaſon why the Prince of *Denmark*, Duke of *Grafton*, Lord *Churchill*, and others of the Nobility left him, as appears from the Letters of the Prince and my Lord *Churchill*: And when his Voyage for *France* was ſtop'd, and he return'd to *London*, the general Acclamations wherewith he was receiv'd as he paſs'd thro *London* Streets, might have ſatisfied him how little danger his Perſon was in; and it is ſaid, that he obſerv'd it himſelf, That *tho they hated his Religion, they loved his Perſon.*

Parliament deſir'd to redreſs Grievances.

* Hiſt. of Deſertion, *in Vol. I. of this Work*, p. 78.

If then the late King had no reaſonable cauſe to fear the Safety of his Perſon, would he have ſtaid to redreſs all Grievances by a free Parliament; if Subjects had no ſufficient reaſon to think, that he withdrew his Perſon and Authority for any other cauſe but to avoid the neceſſity of giving Satisfaction to his People in Parliament; if there be no Evidence that he would have ſtaid to redreſs all Grievances, had he been aſſur'd of the Safety of his Perſon, it ſeems to me, that the Eſtates had great reaſon and neceſſity to do as they did, to declare the empty and forſaken Throne vacant, and to fill it with the next Heir. It is certain this is ſuch a caſe as belongs to the ſupreme Judgment of the Eſtates; for when a Throne is empty, by what means ſoever it becomes ſo, it belongs to them to conſider whether and how it is to be fill'd: And in ſuch caſes it is the publick Judgment, and not ſome mens private Reaſon, which is our Rule.

The Convention juſtify'd.

But let us ſuppoſe his Fears had been ever ſo juſt and reaſonable, we muſt conſider, who brought him into this ſtate of Fear and Danger; for if the Guilt of this were wholly his own, his Fears are no better excuſe, than thoſe violent and illegal Proceedings which firſt frightned the whole Nation, and then brought theſe Fears upon himſelf. What he had already done, juſtified both the Prince of *Orange* and the Subjects of *England* in what they did; and if no body were in fault but himſelf, if his own Miſgovernment made him fear, and his Fear made him quit his Throne, his Abdication is as perfectly his own Act as his Miſgovernment was: and then Subjects might very innocently take the advantage, which without their fault he had put into their hands, to deliver themſelves from Fear and Slavery.

The P. of O. had reaſon for what he did.

The Prince of *Orange*, now our Gracious Sovereign, had very juſt reaſons for what he did. His Princeſs was the next Preſumptive Heir to the Crown of *England*,

England, and in her Right he was immediately concern'd in the Protection and Defence of theſe Proteſtant Kingdoms, at leaſt ſo far as to ſecure the Succeſſion.

The late King made great haſt to ſubvert the Fundamental Conſtitution of the *Engliſh* Government, to change our Laws, and Liberties, and Religion; and both to effect and ſecure ſuch Uſurpations, took care, as faſt as he could, to put the whole Civil and Military Power into the hands of Papiſts. What an evil aſpect this had on Proteſtant Heirs and Succeſſors (beſides the preſent Oppreſſion of the Subject) every one ſaw; eſpecially when it was pretended that the Queen had brought forth a Prince of *Wales* to inherit the Crown, and to perfect that bleſſed Work of Slavery and Popery. If this will not juſtify the Prince of *Orange*'s early Care for a legal Redreſs of Abuſes, which would infallibly have alter'd the Succeſſion, and defeated his Right, if they had proceeded any farther, I think the Heir to the Crown is in an ill Condition; for it may be with the lateſt to put in his Claim, when another is ſtept into the Throne before him. It is no new thing for the Parliament of *England* to ſettle the Succeſſion to the Crown, while the King is living, and to make all legal Proviſions to ſecure the Succeſſion; and if this may be done during the Life of the King, the Prince had great reaſon to make his Appeal to a Free Parliament, and to take Arms to obtain ſuch a Free Parliament, which the humble Addreſſes and Supplications of Subjects could not obtain: and this was all the Prince did to put him into this fright; and if he had not done it, he had in ſome degree deſerted his Right, as King *James* has now deſerted his Throne.

As for the Subjects of *England*, the great Body of the Nation ſtood ſtill, and neither aſſiſted nor oppoſed King *James*, tho generally they wiſh'd well to the Prince: And what was the fault of this? The moſt Paſſive Men have always declar'd, That they are not bound actually to ſerve and defend the King in his illegal Oppreſſions, or in his Uſurpations upon the Laws, and Liberties, and Religion of their Country; for no Man can be bound by Law to fight for the King againſt the Laws: For the Right of the King, which is only a Right by Law, can never be more ſacred than all the Laws; and it ſeems very hard to fight for one Law againſt all other Laws, to fight for a King to make our ſelves and all his other Subjects Slaves.

None is oblig'd to aſſiſt the K. againſt Law.

The Prince of *Orange* came with an Army into *England* to demand a free Parliament, to redreſs the Miſcarriages of Government, to ſecure the Succeſſion, our Liberties and Religion, which were beyond denial in danger. What now ſhould the Subjects of *England* do? Should they fight for King *James* againſt the Prince? What had that been but to fight againſt a Free Parliament, our Laws, and our Religion? Thoſe Proteſtants, who are now the moſt zealous Aſſertors of the late King's Right, did at that time, for theſe reaſons, excuſe themſelves from the Obligation of fighting for him. And yet *Engliſh* Subjects cannot be charg'd with denying to aſſiſt their King againſt the Prince of *Orange*, for they were never requir'd to do it: There were no new Commiſſions granted them, without which, ſome are of opinion, according to ſtrictneſs of Law, it had been criminal in them to take Arms, tho it had been to defend their King.

Jacobites refus'd to fight for K. J.

And it ſeems very hard, if ſuch a difficult Juncture as that was, when there were two Armies in the Bowels of the Kingdom, will not juſtify thoſe Gentlemen who took Arms, and ſtood upon their own defence; and that they declar'd to ſtand by the Prince of *Orange*, till all Miſcarriages ſhould be redreſs'd by a Free Parliament, ſeems to me little more than what thoſe Biſhops themſelves did, who now refuſe the Oaths: For when they were requir'd to do it, they would not ſign an Abhorrence of the Prince's Undertaking; and at *Guild-hall* they ſign'd the Lords Addreſs to the Prince, wherein they promiſed him their Aſſiſtance to procure a Free Parliament.

The Non-ſwearing Biſhops refus'd to ſign an Abhorrence of the Prince's Invaſion.

And if neither the Prince, nor the Subjects of *England* were to be blam'd for what they did, it is eaſy to gueſs where the whole Blame muſt lie: And if he wilfully brought this Neceſſity upon himſelf of quitting his Kingdoms, and rather choſe to leave his Throne than ſatisfy the juſt Demands of the Prince, and of his own Subjects, he left his Throne for ſuch reaſons as made it juſt and neceſſary for his Subjects to fill it.

If theſe Principles be true, they furniſh us with plain and eaſy Anſwers to all the Difficulties relating to our preſent Settlement; which I ſhall briefly obſerve as the Sum of this whole Diſcourſe.

Objections.

I. As firſt, Whether the late King *James* be ſtill *of Right* the King of *England*, or *of Right* ought to be ſo. The only Argument to prove King *James*'s remaining Right is, That he was the rightful Heir to the Crown, and was legally and right-

fully poſſeſs'd of it, and therefore is rightful King ſtill, or at leaſt of right ought to be King.

Anſwer. Now, from what I have already ſaid, and I hope prov'd, the Anſwer to this is plain. 1. That as to his Right of Succeſſion, the Subjects of *England* own'd it, and actually gave him the Crown, with all the accuſtomed Rites and Ceremonies of Coronation; and therefore there is no diſpute about that. But the Queſtion is, Whether a King who loſes, or gives away, or deſerts his Crown, and falls from the Regal Power, have a new Right of Succeſſion when the Throne is again fill'd; that is, Whether if he part with his Crown, he can be Heir and Succeſſor to himſelf, and by the Right of Inheritance challenge his Abdicated Throne again.

K. J. no rightful K. ſtill, tho once he was.

2. That he was once a *Rightful King*, does not prove that he is King ſtill: For legal Right to a Relation and the legal Relation may be ſeparated. He may be no King, who had once a legal Right and a legal Poſſeſſion of the Throne; and he may be the legal King, or one whom the Law owns to be King, who had no immediate antecedent Right to the Throne. For tho in Relations which are founded in Nature, the *Right* and the *Relation* cannot be ſeparated, yet in legal Relations they may. And if he who had, or has a legal Right to the Crown, may be no King, Subjects can owe him no Allegiance, for Allegiance is due only to the King.

3. That he was once a rightful King, does not prove that he has any right to be King now: For a *legal Right* (as the Right to the Crown is) may be loſt by Conqueſt, or parted with by *Reſignation*, or by *Abdication* and *Deſertion*; and that the late King has ſo deſerted his Throne, as to make it not only lawful, but even neceſſary for his Subjects to fill it again, I have already prov'd.

So that it is not enough for thoſe who inſiſt on King *James*'s Right, to ſay, That he was rightful Heir to the Crown, and that he was once rightful King, which is all that they pretend to: For tho he was once a rightful King, he may now neither be a King, nor have any right to be King.

II. Another Queſtion is, Whether King *William* and Queen *Mary* be the rightful King and Queen of *England?*

K. W. and Q. M. the only rightful King and Queen.

Now had King *James* died before the pretended Birth of the Prince of *Wales*, this had been no Queſtion, for then Queen *Mary* had been the undoubted Heir to the Crown; and in her Right, and by Conſent of the Princeſs *Anne*, allow'd and confirm'd by the Authority of the Eſtates, K. *William* had been the rightful and legal King. Now if K. *James* parted with his Right and Crown together, by forſaking his Government and leaving his Throne vacant, and the Eſtates had a right, if they pleas'd, to fill it, there can be no more pretence of *Right* upon the late King's account than if he had been dead. And as for the pretended Prince of *Wales*, at beſt his Birth was ſo very doubtful, that there was no reaſon for the Eſtates to reject the next undoubted Heir for him; eſpecially when the King refus'd to ſubmit that Diſpute to Parliament, as the then Prince of *Orange* had done. And had his Birth been ever ſo unqueſtionable, he could not be had, without taking the late King again; which was reaſon enough for the Eſtates not to concern themſelves with that Diſpute, but to place the next Heir upon the Throne that could be had. The King withdrew himſelf, and ſent away him whom he call'd the Prince of *Wales* before him, that we ſhould not have him to make him King, had we had ever ſo much mind to it; and had all the Royal Family deſerted in the like manner, or had they been convey'd away from us, I ſee no reaſon why the Eſtates might not as well have choſen a new King, as if all the Royal Family had been extinct. And if this be the true ſtate of the Caſe, as certainly it is, there can be no diſpute whether their preſent Majeſties be rightful King and Queen.

Pret. P. of W's Birth doubtful at beſt.

III. A third Queſtion is, How far thoſe who are not ſatisfied in their own private Judgments, whether the late K. *James* have loſt his Right, and their preſent Majeſties are rightfully advanc'd to the Throne, may own and pay their Allegiance to their preſent Majeſties?

Allegiance due to their preſent Majeſties, prov'd.

Now if we do but allow that this is matter of Diſpute, all Diſputes about legal Rights muſt be determin'd by a legal Authority; and private Subjects muſt acquieſce in ſuch Determinations, unleſs we will diſſolve Civil Societies for the ſake of ſome diſputed legal Rights. Since then the Eſtates of the Realm (who are the higheſt Authority when there is no King on the Throne) have determin'd this matter, private Subjects have nothing now to do with it. In Matters which concern Civil Government they muſt follow the publick Judgment, which is the rule and meaſure of Civil Obedience, in contradiction to their own private Opinions, where the Diſpute is only about Civil and Legal, not about Natural and Moral Rights.

Rights. Private Subjects muſt own him for their King who is inveſted with the Royal Authority by the Eſtates of the Realm, to whom alone it belongs to judg authoritatively about ſuch matters.

IV. But the laſt and great difficulty of all ſtill remains, *viz.* Suppoſing K. *James* ſhould land in *England* with Military Force to demand the Crown, what the Subjects of *England* are bound in Conſcience to do? Which ſide they ought to take? Whether they muſt fight for the late K. *James* againſt their preſent Majeſties, or for their preſent Majeſties againſt the late K. *James?*

Qu. What the Subjects are bound to do in caſe of K. J's landing in England.

Now if K. *James* had loſt his Crown, and his Right to it, and K. *William* and Q. *Mary* are rightfully poſſeſs'd of the Throne (which I take to be the truth of the Caſe) this will admit of no Diſpute; for it is certain we ought to fight for our rightful King and Queen, againſt one who has been King, but is no King now, nor has any right to be King ever again.

But there is no abſolute neceſſity of inſiſting upon Right: it is ſufficient to determine the Caſe, only to ſay, that the Laws of the Land require us to fight for our King againſt him who is no King; and he is King whom the Laws of the Land own to be King; that is, he who is plac'd on the Throne, and inveſted with the Royal Authority, with all uſual and accuſtom'd Solemnities, by the Eſtates of the Realm. A legal Inveſtiture makes a legal King, and the Law requires our Allegiance to ſuch a King, that is, all legal Obedience and Defence; and the Law is the meaſure of legal Rights. Whatever Right then any Prince may pretend to the Throne, if the Law does not allow private Subjects to take cognizance of ſuch Rights againſt a legal Poſſeſſor, if it does not extinguiſh, yet at leaſt it limits, ſuſpends, and ſets aſide ſuch Rights in ſuch caſes, that they are to Subjects as if they were not: And as the Law can make and create legal Rights, ſo it can limit and ſet bounds to them, and determine in what caſes and to what effect and purpoſes they ſhall be Rights, and they are legal Rights no further.

Their Majeſties are to be fought for, and not K. J.

But beſides this, it is worth obſerving, That the Law does not allow Civil and Legal Rights to be diſputed and determin'd by the Sword; for that is a Diſſolution of Civil Authority and Civil Government: and therefore no Subjects can be bound at any time by the Laws of the Land to fight for a ſuppos'd or pretended Right againſt a legal Poſſeſſor. We are bound to fight for our King, to defend his Perſon, Crown and Dignity, but it is for a King whom the Laws own to be King; that is, who is inveſted with the Royal Authority by the Eſtates of the Realm, and is actually on the Throne. According to the fundamental Conſtitution of all Civil Societies, the Diſputes about the legal Rights muſt be determin'd by the Judgment and Sentence of a competent Authority, not by the Sword, which can decide no Queſtion, but which ſide is ſtrongeſt. An Appeal to the Sword againſt the Sentence of the laſt Authority, puts an end to the Authority of Laws, and conſequently is no part of legal Obedience and Defence; and then I cannot gueſs how any Subjects ſhould be bound in Conſcience to fight for the mere Right of a Prince (whatever Opinion he may have of his Right) againſt a legal Poſſeſſor of the Throne; nay, it ſeems to me that Subjects are bound in Conſcience not to do it, as much as they are bound not to fight againſt Civil Authority and Government. Nor is this to fight for Wrong, or to fight againſt Right, wherever we ſuppoſe the Right to be, for we neither fight for or againſt either, which the Laws and the very nature of Civil Conſtitutions will not allow; but we fight for our King againſt all his Enemies at home or abroad, as the Laws of the Land require us to do.

The Law allows of no fighting for a pretended Right.

And what Right ſoever any Prince has, when he comes to diſpute it with the Sword, Subjects may and ought to defend the Poſſeſſor againſt him, and to leave the Diſpute of Right to the Judgment and Determination of a proper Tribunal. Thus the Prince of *Orange*, his preſent Majeſty, did; tho he came with the Sword in his hand, it was not to try his Cauſe by the Sword, but to refer his Cauſe to a Free Parliament, and to procure ſuch a Parliament by the Sword, which nothing but the Sword could obtain.

A Free Parliament was to determine the Diſpute, and not the Sword.

In ſhort, when a Prince challenges his Right by the Sword, it is ſeldom ſeen that his own contents him; if he wins his Crown, he makes himſelf Maſter alſo of his Subjects Rights, and may carve out what kind of Power or Government he pleaſes with a conquering Sword: And therefore whatever Obligation Subjects ſhould be ſuppos'd to lie under to the rightful Heir, they are not bound to make him a Conqueror, which is to make themſelves Slaves, if he pleaſes. They cannot fight for his Right without fighting againſt their own, and againſt the Rights and Liberties of their Country; which is proof enough, that no Civil Conſtitution

can allow of fighting for the Crown. Such things have been, and such things will be; but the Queſtion is, What Subjects are bound in Conſcience in ſuch Caſes to do? And unleſs they are bound to enſlave themſelves and their Country, they can never be bound to ſuffer, much leſs to aſſiſt any Prince, whatever his Pretences be to ſeize the Crown by Conqueſt.

This is a good Argument againſt any Prince who will force his way to the Throne, which is already fill'd by the Eſtates of the Realm; but it is an unanſwerable Argument in our preſent Caſe. We know the late King *James* too well to truſt him with a Conqueſt if we can help it; and we know the *French* King too well to receive his Troops among us if we can keep them out; and thoſe whoſe Conſciences command them to aſſiſt the late King to conquer their Country, need ſome other Cure than Arguments to convince them: But this has been ſo fully ſtated in the *two Letters to a Friend concerning the* French *Invaſion*, that I ſhall refer my Readers for farther Satisfaction to thoſe Letters.

Reflections upon the Conditions of Peace offer'd by France;

Printed in 1694.

And the Means to be employ'd for the procuring of Better.

SINCE Perſons who are poſſeſs'd with too great an Opinion of the Power of *France*, and are ignorant of the Reaſons that oblige that Crown to wiſh to ſee an End of the War, may be apt to imagine that the Conditions of Peace which were propos'd in *Sweden* by the Count *d' Avaux*, ought not to have been ſo diſdainfully rejected; it may not be amiſs to ſhew how captious and unjuſt thoſe Conditions are, and how neceſſary it is to look upon them as a Snare, which we ought to be very cautious of falling into.

'Tis certain, that they leave *France* in a condition to break the Treaty which it would make with the Allies, upon the firſt favourable Occaſion that ſhould preſent it ſelf; which I hope to prove very plainly in the ſequel of this Diſcourſe. And it cannot be doubted but that our Enemies will be ready to renew the War after the Term of ſome few Years, and to puſh on their Arms with ſo much the more fury, as they ſhall then find fewer Obſtacles to their Deſigns, if they are not reduc'd to ſuch Reſtitutions as ſhall give us Security that they ſhall not dare again to violate their Words.

An. 1659. *Advantages of* Fr. *by the* Pyrenean *Treaty.*

I may ſay, That if their Ambition could have ſuffer'd any Bounds, the Treaty of the *Pyrenees* had remain'd inviolated: For it did, indeed, give *France* very conſiderable Advantages. The quitting them *Thionville*, *Montmedy* and *Damvilliers*, laid the Archbiſhoprick of *Treves* and the Dutchy of *Luxemburgh* open to them: That of *Avenne*, *Philippeville*, *Landrecy*, *Queſnoy*, *Arras*, *Graveline*, and many other Places in the *Low-Countries*, put them in a condition to puſh on their Conqueſts farther that way; and the other of *Rouſſillon* and *Conflans*, open'd them a Door to attack *Spain* it ſelf. The Minority of the King, and the Weakneſs of the Miniſtry which the Factions of Don *Jean* of *Auſtria* had disjointed, and the War which then broke out between *England* and *Holland*, were ſufficient Reaſons for a Rupture; and the imaginary Rights of the Queen of *France* upon *Brabant* ſerv'd for a Pretence.

1667. The Storm then fell upon the *Low-Countries*, and the *French* carry'd Terror and Deſolation through all thoſe Parts: *Aeth*, *Tournay*, *Douay*, *Oudenarde*, *Aloſt*, *Armentieres*,

mentieres, *Bergues*, *Furnes*, *Dixmude*, *Courtray*, and *L'Iſle*, receiv'd the Laws of the Conqueror; who ſeeing that the *Engliſh* and *Dutch* after they had agreed, were enter'd into an Alliance with *Sweden* to oppoſe that Torrent, judg'd it convenient to conſent to a Peace; by virtue of which he kept the Places that he had taken in the *Low-Countries*, and was content to reſtore to the *Spaniards* the *Franche-Conté* which he had ſeiz'd during the Winter, after a very weak reſiſtance.

This Treaty, which was that of *Aix la Chapelle*, was no more Sacred to *France* than that of the *Pyrenees*. It could not digeſt the *Hollanders* having ſtopt the Progreſs of its Arms; and to put them out of a condition to traverſe its Deſigns for the future, it was reſolv'd to carry the War into their Country. The *French* found a way to gain Intelligence in the very Boſom of their Republick; they brought the Elector of *Cologne* and the Biſhop of *Munſter* into their Intereſt; they ſeiz'd upon *Lorrain* for Precaution, to leave nothing behind them that might diſturb them. In a word, the King of *England* was perſuaded to join with them, upon condition that he ſhould have the Maritime Places of *Holland* and *Zealand*: But by a ſtroke of their ordinary Policy, they made no Conqueſts but in the Inland Countries, where they were to keep what they got themſelves. An. 1668. *Treaty of* Aix la Chapelle *broke by* France. 1670.

I ſhall not ſtay to deſcribe the prodigious Succeſs which this Invaſion of the *French* had in ſo favourable a Conjuncture: Every body knows, that in leſs than five Weeks they made themſelves Maſters of more than forty Cities. But the Face of Affairs being chang'd by the Diverſion that was given by the Emperor, *Spain*, and the Elector of *Brandenburgh*, and by the Reſolution that was taken to put at the Head of the Armies of *Holland*, the Prince who now governs us, they found themſelves oblig'd to abandon all that they had taken from that Republick, to poſſeſs themſelves of other Places in the *Spaniſh Low-Countries*, which they could more eaſily keep. In effect, they made there ſo great a Progreſs, that King *Charles* the Second, forced by the murmurings of his People, reſolv'd at laſt to oppoſe them, and to ſend his Forces into *Flanders*. A Paſs, which might have procur'd reaſonable Conditions of Peace for the Allies, if *France* had not found means to diſunite them in the Aſſembly of *Nimeguen*, and to conclude there a particular Treaty with *Holland*, which was quickly follow'd by a general one; by which, beſides almoſt all the Places that were conquer'd before the Peace of *Aix la Chapelle*, the *French* kept *Condé*, *Valenciennes*, *Cambray*, *St. Omers*, *Ypres*, and all the *Franche-Conté*. *The Invaſion made by* France 1672. 1675, 1676, 1677. 1678, 1679.

But this was not enough to ſatisfy their Ambition. The Conjuncture was ſo favourable, that it gave them much higher Expectations. King *Charles* the Second was in their Intereſt, the *United Provinces* weaken'd, and *Spain* in a very low condition. The Elector of *Brandenburgh*, and ſome other Princes of the Empire, were diſcontented; the Emperor taken up with the Revolts in *Hungary*, and expecting every day all the *Turkiſh* Force upon his Hands. The Occaſion was too inviting to be neglected; and therefore *France* took this Opportunity to ſeize upon *Stratsbourg* (a Place which may be juſtly ſtil'd the particular Key of the Empire) to buy *Caſal* of the Duke of *Mantua*, to block up *Luxemburgh*, to enter into the *Low-Countries*, and there to raiſe vaſt Contributions; which, for all that, did not prevent their burning and plundering: And beſides all this, by the Trick of eſtabliſhing Chambers at *Metz*, *Briſac*, and *Beſanzon*, they uſurp'd all the Fifes of the Empire which they found convenient for them, all along the *Rhine* and the *Moſelle*, under the pretence of Reunion, making the next Places always Dependencies upon thoſe which they had laſt taken. 1681. 1682, 1683.

It cannot but be ſaid, that ſo many Hoſtilities committed in the midſt of Peace, gave the Character of an unmeaſur'd Ambition. And yet what follow'd is yet more odious, *France* could not conceal its Joy, when it ſaw the *Turks* before *Vienna*: It was in hopes, that after the taking of that important Place, the Princes of *Germany* muſt be forc'd to confeſs, that no other Power than that of *France* was capable of ſaving the *Empire*; and that, upon condition they would elect the *Dauphin* King of the *Romans*, they might find there a Succour able to ſupport them. *France* promis'd it ſelf eaſily to oblige the *Turks* to a Retreat, and that their Troops being numerous, freſh and experienc'd, would not find it a difficult matter to conquer an Army that was compos'd of raw new-rais'd Men, and diminiſh'd near the one half by the fatigues of a long Siege. Thus after having us'd all their Endeavours to arm the *Turks* and *Teckely* againſt the Emperor; and after having brought them even to *Vienna* by their Counſels, and by large Supplies of Mony, they had projected to have broken all the Treaties they had concluded with them; and *France* would have made it ſelf a Way to the Empire by driving them out of *Germany*. *The unmeaſurable Ambition of* France.

'Tis

'Tis no wonder then that in ſuch Circumſtances, the raiſing of the Siege of *Vienna* caus'd that ſhameful uneaſineſs, which they could not forbear ſhewing there ſo publickly, and which was hardly ſweetned by the taking of *Luxemburgh*, with which they were forc'd then to be content.

Truce with the Emperor for 20 Years, 1684.

This laſt Conqueſt was enough to open the Eyes of thoſe that were moſt blind, and to perſuade the Emperor to an Accommodation with the Turks; who being diſcourag'd by their Loſſes, began to deſire Peace: And therefore the *French* fearing that all the Forces of the Empire would be united againſt them, conſented to the Truce of twenty Years; by virtue of which they kept proviſionally all that they had uſurp'd ſince the Peace of *Nimeguen*.

This Truce held no longer than was neceſſary to put them in a condition to break it; and an Occaſion quickly preſented it ſelf. *James* the Second ſucceeded to the Throne of *England*, notwithſtanding his publick profeſſion of a Religion that was condemn'd by the Laws of the Kingdom; and *France* engag'd him in a Secret Treaty, the Deſign of which was the Conqueſt of *Holland*. It was in order to this, that they endeavour'd to put the Electorate of *Cologne* into the hands of the Cardinal of *Furſtenburg*; that ſo, being Maſters of the Places which that Cardinal would have been in poſſeſſion of upon the *Rhine*, and ſeizing upon the reſt, before the Princes of *Germany* had time to recollect themſelves, they might make uſe of that River to carry their Ammunition and Proviſions to the very Frontiers of *Holland*.

'Tis very plain, that *Holland* being once conquer'd, the *Spaniſh Low-Countries* could not avoid the Yoke of the Conqueror; who, on the other ſide, having brought the four Electors of the *Rhine* to his Devotion, had but a fifth to gain, to make the *Dauphin* be elected King of the *Romans*. Beſides, it was time to make a Diverſion in favour of the *Turks*, who were under a great Conſternation at the taking of *Belgrade*: And it was upon this condition only, that they offer'd to continue the War againſt the Emperor. *France* had an Army very numerous and well diſciplin'd, experienc'd Generals, and Magazines well furniſh'd, and wanted none of thoſe Reaſons of Intereſt, which ſeem to be the only ones they regard, to determine them to break the Truce.

1688. *Siege of* Philipſburgh.

'Tis no very great wonder then, that they reſolv'd upon the Siege of *Philipsburgh*. 'Tis true, that the Advice they had a little after, that the Prince of *Orange* prepar'd to make a Deſcent upon *England*, ſhould have oblig'd them to ſend an Army upon the Frontiers of *Holland*, rather than to attack the Emperor. This had been indeed the way to hinder a Revolution, which ſeem'd to be the only Turn which could deliver *Europe* from the Slavery into which it was juſt a falling. But looking upon the Project of the Deſcent as a chimerical thing, or at leaſt imagining that the Succeſs of it could not poſſibly be ſo ſudden, or ſo proſperous as it was, they continu'd to carry Deſolation into the Empire. The taking of *Philipsburgh* was follow'd by that of *Heydelberg*, *Manheim*, *Frankendale* and *Mayence*; and they abandon'd all the *Palatinate*, and the Circles of the *Upper Rhine* to Fire and Plunder.

Great Cruelties committed by the French *in* Germany.

This is too fair a Field to enlarge upon the Cruelties that are always the miſerable Conſequences of the *French Invaſions*. 'Twas a ſmall matter that this Rupture carry'd with it all the imaginable Characters of Breach of Faith; That it was the breaking of a Truce which *France* it ſelf had ſought, and from which it drew great Advantages; That it was broken, to raiſe the Hopes of the Enemies of Chriſtianity, and to take the opportunity of the abſence of the Imperial Troops which were imploy'd in *Hungary*. They join'd to the Indignity of an Alliance made with the *Infidels*, and to the Injuſtice of the Rupture, all the Exceſſes that Violence could inſpire: Fire, Sword, Profanation, and all that could be expected from the unlimited Licentiouſneſs of the Soldiery, were employ'd to ravage Countries, where they found no reſiſtance. There was no conſideration had of Age or Sex, no diſtinction for any Dignity Eccleſiaſtick or Secular, and no regard to Things or Places conſecrated to the Service of God. They reduced Cities to Aſhes which had voluntarily open'd their Gates, and to which the *Dauphin* had promis'd all good Treatment, in conſideration of the large Contributions they had juſt paid. They burnt a vaſt number of Towns, Villages and Caſtles; and after having exhauſted, by a thouſand Extortions, a Country of above forty Leagues in extent, they ruin'd it totally by a general Ravage, for no other Reaſons but to deprive the Armies of the Allies which which were then aſſembling, of the means of ſubſiſting. 'Twas now that wretched Incendiaries had the confidence to commit all ſorts of Sacrilege, to violate the Aſhes of Princes, pillage Altars, burn Churches, pull down

Great Barbarities of the French.

down Palaces; and puſh on their Licentiouſneſs to ſuch Extremities as could not be of any advantage to thoſe that authoriz'd them, but muſt be attributed to nothing elſe but a blind Deſire of ruining and deſtroying. But 'tis needleſs to enter into the Particulars of theſe Cruelties, ſince the Examples of them are yet freſh; and the Recital can give but a very imperfect Idea of them. I ſhall only remark, That the Exceſſes we here mention, were not ſuch as were done during the Heat of Action, but in cold Blood. The Orders of the Court were expreſs in them, the Generals preſided at their Execution; and if there were any who ſeem'd to be leſs vigorous, from the Horror of the Action, they were puniſh'd ſeverely for an Example.

Great Breach of Faith in the French.

If we follow the Conduct of *France* thro the whole courſe of this War, we ſhall diſcover every where the Marks of its Breach of Faith. The happy Succeſs which generally follow'd their Deſigns, could not hinder them from purſuing their End, by Means that were very infamous. What Artifices have they not us'd at *Rome*, and with the Princes of that Communion, to repreſent this War as a War of Religion, which they engag'd in barely for the Intereſt of King *James?* What have they not done, to divide the Allies? They have done what they could to form a neutral Party in *Germany*, and to engage ſome Sovereigns to withhold their Troops, and even to make ſome Motions that ſhould give Jealouſy to their Neighbours. They have endeavour'd to take advantage of the Circumſtances of the Ninth Electorate to oblige the Princes that oppoſe it, to engage themſelves; promiſing to ſupport their Pretenſions, if they would make a Diverſion in favour of *France*. They have left nothing untry'd to blind the Duke of *Savoy* by advantageous Offers; and while they play'd ſo many Engines in the ſeveral Courts, they caus'd Conditions of Peace for the Emperor and the Empire to be propos'd at *Ratisbonne*, with a deſign to draw them off from the reſt of the Allies; and to leave nothing unattempted, Endeavours were us'd at the ſame time to diſpoſe *Holland* to a particular Accommodation. The Secretary *Du Pile* was diſpatch'd to manage this Negotiation, the Succeſs of which they hop'd to facilitate by ſome notable Enterprize in *Brabant*. Our King was the only Party that they thought it was in vain to lay ſuch Snares for, and it was for this reaſon that they believ'd their ſureſt way to get him off their hands, was to hire ſome Villains to aſſaſſinate him; who being found out, diſcover'd thoſe that ſet them at work, and have left ſuch Stains upon their Memory as nothing will ever be able to waſh off.

Anno 1693.

1692.

French Practices.

'Tis certain, that the Method of *France* is to employ open Force againſt thoſe who are unable to reſiſt; to uſe Artifice with thoſe who 'tis probable may be ſeduc'd, and to have recourſe to Poiſon and Aſſaſſination againſt ſuch as it deſpairs to reach by Force or Artifice. How can we depend upon any Alliance made with them? They know they owe all their Succeſs to the Diverſion that is given by the Turks; they aſſure them by the moſt ſacred Promiſes, that they will never make a Peace without compriſing them in it, and yet at the ſame time they propoſe Conditions of Peace to the Emperor, and inſinuate to him, that if he will accept of them, he may make his Market as he pleaſes with the Turks; and that having no other Enemies but them, he may triumph over them as he thinks fit. I need not infer after ſuch an Example, that the Allies have little reaſon to confide in the Promiſes of *France*, till they ſhall ſee it reduc'd to ſuch a Temper that it ſhall not be in its Power to break them.

'Tis true *France* propoſes at preſent, Conditions of a general Peace; but 'tis not till they have ſeen all their Endeavours and their Projects eluded on every ſide; 'tis not till they have found thoſe unmoveable whom they hop'd to have engag'd in ſeparate Treaties. And ſince the Offers that are now made would leave *Germany* and the *Low-Countries* expos'd to their Invaſions, we ought to look upon them as an Artifice, the end of which is to make thoſe ambitious Deſigns ſucceed the more ſurely, which are not yet out of their View.

The neceſſity of humbling France.

'Tis very plain, that there is nothing but what we have reaſon to fear, if *France* gets advantageouſly out of this preſent War; and that after the Proof they have had of their Forces, they will treat their Neighbours hereafter with much more State than they have already done. This is certain, they have done things which they could ſcarce think themſelves capable of doing; and therefore we have more reaſon to tremble than ever, if we do not make uſe of the preſent League, to reduce them to their juſt Bounds. Experience has but too plainly convinc'd us, That there was need of no leſs than all the Powers that are united in the preſent War, to make Head againſt *France*. But who can aſſure us, that it ſhall be poſſible

poſſible to unite them a ſecond time? Can ſo many Circumſtances that met together to give birth to the League, concur afreſh to form a new one? Every one knows, that to produce and confirm this Union, it was neceſſary that all the Allies were convinc'd of the Injuſtice of the *French* Proceedings: That every one of them in particular had experienc'd their unhappy Effects, and that one common Danger had put them into an indiſpenſible Neceſſity of defending themſelves. And how many Incidents have been neceſſary ſince? The *Retreat* of King *James*, the happy *Revolution* that follow'd it, and the *Reduction* of *Ireland*, have been the Degrees by which the Nation has been put in a ſtate to act with Vigour againſt the common Enemy. It was not enough to be govern'd by a Prince that would not be diſcourag'd by Difficulties, nor diſturb'd by Dangers, who commands his Armies in Perſon, and animates them by his Example. The ſtate of Affairs requir'd, beſides this, that this Prince ſhould have Credit enough in *Germany*, to oppoſe with Succeſs the Intrigues of *France* there, and that he ſhould be at the Head of the Forces of a powerful Republick both by Sea and Land. And ſure there will need no great Pains to prove, That ſince we cannot promiſe our ſelves a like Conjuncture hereafter, 'tis abſolutely neceſſary to make the beſt Uſe of it while we have it.

Peace will ſtrengthen France.

To this may be added, That ſome Years of Repoſe would give *France* the Means of making a ſtronger Party in *Germany* and the *Northern* Courts; ſo that it would not fail to make uſe of the firſt Revolution that ſhould arrive in *Europe*, to renew the War. No body is ignorant, that 'tis their Policy not to diſarm in time of Peace, and that the Revenue of that Crown is always the ſame; which gives it infinite Advantage, when it attacks thoſe who are us'd to disband at the end of a War; and which keeps up its Armies by Taxes, which are preſently interrupted by Peace. Beſides this, the King of *France* is abſolute in his Government: His Frontier-Towns are extremely ſtrong, and in ſuch a Situation, as to command all the Neighbouring Countries; ſo that he is always ready to make Invaſions, and out of danger of having them made on him; and the unquiet Genius of that Nation, together with the Care that is taken to form it to Slavery, requires frequent Wars abroad. Beſides, that Crown is ſo far from having the Happineſs and the Repoſe of its Subjects in view, that its main ſtudy is to keep them low. The Clergy can no longer vaunt of any Prerogative; the King is as abſolute over the Spirituality, as he is over the Temporality: All depends upon his good Pleaſure, which is now become the only Law of the State. The Nobility have loſt all their Privileges; they are reduc'd to a Neceſſity of cringing ſervilely to an Intendant of a Province; and have no other way to aſpire to any Diſtinction, but by low and unbecoming Submiſſions. The People groan under the moſt ſevere Oppreſſion that can be imagin'd. The Parliament, which was formerly a Mediator between the Sovereign and the Subjects, and maintain'd the Laws and Liberties of the Kingdom, by a wiſe Temperament between the Authority of the one, and the Obedience of the other, is now become nothing but an Engine to authorize the Injuſtice and the Oppreſſions of the Court. So that there is nothing on the ſide of *France*, which doth not give Apprehenſions of a new Rupture, if by a Treaty of Peace it remains in a Condition to inſult its Neighbours whenever it ſhall have a mind to it. But this Fear will be yet doubl'd, if we conſider the neceſſity there would be of the Powers of *Europe* uniting a ſecond time, and the Obſtacles that would either prevent or retard their Union. The Emperor, it may be, would be ſtill employ'd with the War againſt the *Turk*, and without doubt would be weaken'd by the Diſunion of the Princes of *Germany*, with whom *France* will have had the time to reſume its uſual Intrigues.

Oppreſſions on all ranks of People in France.

Add to this, That nothing can be concluded in the Empire, before a Reſolution taken in the Dyet; and Experience plainly ſhews to how many Delays and Conteſts thoſe ſorts of Reſolutions are ſubject. *Spain* would be as much as nothing, eſpecially as to the *Low-Countries*, which it would be then impoſſible to ſave. *Holland* would be drain'd by the preſent War, diſcourag'd by the Succeſs of it, and little diſpos'd to enter upon another; beſides that the Conqueſt of the *Low-Countries*, which the *French* would be able to poſſeſs, themſelves of, before the Allies could re-aſſemble their Forces, would put that Republick under the Diſcretion of the Conqueror: It would be no longer practicable for *England* to ſend Succors to thoſe that were ready to be oppreſs'd, becauſe the *French* would have in their Power all the Ports of *Flanders*; and *Holland* would not dare to admit us into theirs. We ſhould not be in a Capacity of medling with the Affairs abroad, and it may be not capable of making any conſiderable Effort for our own Preſervation.

The

The only Remedy for all theſe Evils, but that a ſorrowful and uncertain one, would be to remain arm'd in time of Peace, as if it were in the Heat of War; otherwiſe *France* would break thro all at the firſt Shock, and making uſe of the Advantage of the Surprize, would make in a very little time ſuch a Progreſs as would render it Miſtreſs of the Fate of *Europe*. We ſhould be then expos'd to the inevitable Loſs of our Commerce, and to the Danger of falling under the Arms of *France*, if we did not even in Peace keep on foot a ſtrong Army at Land, and a great Fleet at Sea; and after having neglected to make ſuch a temporary Expence as might procure us a ſolid Repoſe, we ſhould find no other way to ſave us from utter Ruin, but the making our Taxes perpetual: and I believe every *Engliſh-man* will conclude, that this is an Extremity with which the Expence we are now forc'd to be at, will not bear the leaſt Compariſon.

Continuing arm'd an uncertain Remedy.

After what has been ſaid concerning the Conduct of *France* and its Infraction of former Treaties, it may very well be concluded, that if that which is now offer'd be not ſufficient for the Security of the Allies, the Deſign is only to diſarm them, and to put them out of a Condition to oppoſe themſelves to new Uſurpations. The only thing to be done therefore is to ſhew in particular the Injuſtice of the Offers of *France*, and how very wide they are from what the Allies may reaſonably expect.

No Security offer'd by France.

When I ſpeak of the Conditions offer'd by *France*, I mean thoſe which the Count *d' Avaux* propos'd in *Sueden*; for I do not conceive the leaſt regard ought to be had to a Project of Peace lately come from *Suiſſerland*, or to ſome others that run about without Name, and without Authority, becauſe they are not to be conſider'd but as the Production of ſome particular Perſons, who had a mind to ſee what Judgment the Publick would make of their Schemes.

To begin then with what regards the Empire, it muſt be granted, that it is its Intereſt rather to continue the War to the laſt Extremity, than to yield *Strasburg* to *France*. Indeed this Place being exactly well fortify'd, and of a great Circumference, having *Alſace* behind it, which is a Country fertile, and capable of entertaining at all times a numerous Army; and being ſituated in the middle of the *Rhine*, 'tis viſible enough that 'tis quite of another Importance than *Friburg* and *Philipsburg*, which they offer for an Equivalent.

To ſpeak the Truth, 'tis ridiculous to comprehend *Philipsburg* in this Equivalent; for by what Right doth *France*, pretend to diſpoſe of a Place to which it hath no manner of Title, and to offer it in compenſation to the Empire to which it doth without Controverſy belong? I know very well, that the *French* beſieg'd it, and took it in the Year 1688, but 'twas by the moſt palpable Injuſtice, and without having the leaſt Pretence for a Rupture; and I muſt confeſs, That if it be lawful for Chriſtians to uſurp the Lands of their Neighbours whilſt they repoſe themſelves upon the Faith of Treaties, and after having poſſeſs'd their Places it be ſufficient to reſtore ſome of them in order to keep the moſt important, then *France* may make a Merit of the Reſtitution of *Philipsburg*. But what Law, either Divine or Human, did ever authorize a Title of Acquiſition ſo unjuſt? I may add, That *Philipsburg* without *Strasburg*, is of no Conſideration, ſince it is a Place lock'd within the Land of the Empire, unhealthy by its Situation, and that cannot contain at moſt above a Gariſon of 3 or 4000 Men; whereas upon *Strasburg* alone depends the Preſervation or Loſs of three Circles of the Empire, to wit, *Suabia*, *Franconia*, and the Circle of the *Upper Rhine*, that is to ſay, a third part of *Germany*; for *France* having an eaſy Communication with *Strasburg* by the means of *Phaltzburg* and *Lorrain*, would be in poſſeſſion of a Paſſage always open, and at the ſame time of a very conſiderable Place of Arms, and of a Magazine ſufficient for the greateſt Enterprizes.

Philipsburg *to be reſtor'd.*

Now the paſt Conduct of that Crown having ſhew'd us how much its Invaſions ought to be apprehended even in the midſt of Peace, I leave every one to judg whether upon the firſt Stir it could raiſe in the Empire, we ſhould not ſee the *French* fall upon *Ulm*, all the Country being open from *Strasburg* quite to that Place; and if *France* were once Miſtreſs of *Ulm*, which is at the Head of the *Danube*, very eaſy to fortify, and in the middle of a fertile Country, what would become of *Suabia*, *Franconia*, and all the *Upper Germany*? It muſt not be forgot here, that whatever Reeſtabliſhment may be pretended for the Duke of *Lorrain*, he muſt expect to ſee himſelf the Slave of *France*, if it keeps *Strasburg*. The *Suiſſers* too are no leſs intereſted in the Reſtitution of this Place, which cuts off their Communication with *Germany* on the ſide of the *Upper Rhine*, and commands that River from *Baſle* to *Philipsburg*. 'Tis true, the *French* offer to demoliſh the Works of *Huningen* and *Fort Louis*, which

Fr. *Promiſes not to be rely'd on.*

are beyond the *Rhine* in regard to *France*: But who doth not ſee that this Offer only tends to pay Appearances to ſave Realities? For if *France* keep the Works which it hath built on its own ſide, how can we hinder their raiſing again ſuch Works as are under the Cannon of thoſe which they ſtill deſign to keep? We know that they have Men ready, and would quickly find Mony and all other Neceſſaries for ſuch a Work ſo that at moſt this would but be a Buſineſs of about ſix Months. Complaints would be made without doubt againſt this, as a formal Contravention to the Treaty. But this would not much trouble them; and ſince it was not thought convenient to break with them when they poſſeſs'd themſelves of *Strasburg*, much leſs would it be likely to be done upon ſuch a Subject at this.

Equivalents for Strasburg.

France would have enter'd into the Equivalent for *Strasburg*, the Reſtitution it offers to make of *Mont-Royal* and *Tarbach* to be diſmantled. But beſides that it can have no pretence in the World to keep thoſe Places, and that they are of no great Conſequence to that Crown, becauſe they are too remote, and a great deal beyond *Treves*, which muſt be reſtor'd to the Elector of that Name; with what Confidence can Places belonging to the Elector of *Treves* be propos'd to the Empire in compenſation for *Strasburg*? The Buſineſs is to ſecure *Franconia* and *Swabia*, which the yielding of *Strasburg* would expoſe to certain Ruin; and *France* offers to demoliſh two Places upon the *Moſelle*, which it has no Right to keep, and which would ſignify very little to the *French*: for in keeping, as they pretend to do, *Luxemburgh*, *Saar-Lovis*, *Homburg*, and *Bitch*, and remaining in poſſeſſion of *Thionville* that commands the *Moſelle*, they will be Maſters of all the Electorate of *Treves* as far as *Coblentz*, as ſoon as they ſhall think fit to renew the War.

All the Equivalent for *Strasburg* then, is reduc'd to *Friburg*, which was yielded to *France* by the Treaty of *Nimeguen*, and is offer'd to be reſtor'd in the Condition it is at preſent. But is there the leaſt Compariſon between *Strasburg* and a Place that is ſhut in with Mountains and Foreſts? which too is of very little Conſequence to *Germany*, becauſe it cannot open the *French* a way to pierce further into the Country; and during this War, it hath been enough to guard ſome Paſſes that are near it, to render it altogether unprofitable to our Enemies.

The Importance of Strasburg.

Strasburg is of ſuch Importance to the Allies, that 'tis ſcarce poſſible to imagine an Equivalent that can procure them ſo great a Security as the Reſtitution of that Place would give them. 'Tis certain, that tho *France* could reſolve to join *Briſac* to *Friburg*, it would yet be far enough from making a juſt Compenſation.

Since then the Safety of *Germany* depends upon the Reſtitution of *Strasburg*; that this Place doth, without Controverſy, belong to the Empire; that it hath not been yielded by any Treaty, and that *France* hath uſurp'd it ſince the Peace of *Nimeguen*, in the moſt unjuſt manner in the World: 'Tis as clear as the day, that that Crown ought to reſtore it without any Regret, ſuppoſing it reſolves no more to trouble the Repoſe of its Neighbours for the future.

French *Pretence to keep* Strasburg.

I know very well, that the Count *d' Avaux* in the Memorial that he preſented in *Sweden*, contends, That *Strasburg* is neceſſary for the Security of *France*, and that his Maſter ought not to be preſs'd to the Reſtitution of a Place that would make the Emperor in a condition to carry the War into that Country. But if it be neceſſary that ſome Body muſt run this Riſque, is it not more reaſonable that it ſhould be rather the Authors of the Violence, than they that have ſuffer'd by it? Is it not juſt, that it ſhould rather be a Crown that hath ſo often attack'd its Neighbors without any Pretence, than Princes who have taken up Arms only for their lawful Defence?

The Emperor cannot make Offenſive War.

But I muſt add, That *France* would ſtill have a Frontier good enough not to apprehend any Invaſion; whereas, on the ſide of *Germany*, all is open from *Strasburg* to the *Danube*. Beſides, an Offenſive War is incompatible with the Conſtitution of the Empire; becauſe, to reſolve upon it, there muſt be the Conſent of many Princes, whoſe Intereſts are different, and among whom *France* hath always found means to make her ſelf Friends. In fine, 'tis certain, that tho *Germany* were perfectly united, yet it muſt have, for the attacking of *France*, the Help of all thoſe Princes who are Confederates in this preſent War; and 'tis eaſily ſeen, that ſuch a League would be morally impoſſible. The Neceſſity of Self-preſervation, and the Senſe of an impending Ruin, could ſcarce bring ſo many Sovereigns into the ſame Intereſts: And what Appearance is there, that they would enter into it again, barely out of a Motive of Revenge or Ambition? But tho the Sovereigns ſhould ſeem diſpos'd, can it be thought that the People would contribute to it? and that they would be brought to deprive themſelves of the Sweets of Peace, and the Advantages

vantages of Commerce, to begin a War purely Offenſive? Can we imagine, that they would conſent to drain themſelves by Taxes, who have born them hitherto only to ſave themſelves and their Country from utter Ruin? It muſt be only Kings, who by a long Train of Violences are arrived to an arbitrary Power, that can promiſe themſelves ſuch Marks of Obedience from their Subjects: It muſt be only People who are under a Deſpotick Government, who can, without murmuring, ſuffer their Sovereign to reduce them to the laſt Extremities of Miſery, in order to ſeize upon what doth not belong to him, and to render the Nation odious to its Neighbours by unjuſt Enterprizes; and by conſequence, 'tis only *France* from whence we can expect ſuch Projects, and we have all the reaſon in the World to believe, that 'tis in their Deſigns, if they refuſe to reſtore thoſe Places, that are neceſſary to execute them.

Arbitrators to decide Diſputes.

With regard to the *Reunited Provinces*, *France* offers to ſubmit her ſelf to the Deciſion of Commiſſioners, and to the Arbitrage of the Republick of *Venice*. But ſince it hath ſeiz'd upon them ſo unjuſtly, and by its own Authority, it ought to begin by Reſtitution, to put Things into their former ſtate. 'Tis not juſt, that the Advantage of Poſſeſſion ſhould remain to thoſe who have uſurp'd it, it ought to return to thoſe who have loſt it by Tricks and Violence.

To this I ſhall add, That I can never perſuade my ſelf, that *France* would ſubmit to the Judgment of Arbitrators, if it ſhould not be for her own Intereſt; or that ſhe would make a Scruple of keeping a Country, which no body could force her to reſtore.

Diſadvantages of making Peace on the French *Propoſals.*

'Tis certain, that by making a Peace upon the Conditions that the *French* propoſe, they would be Maſters of all the Places which cover the Fiefs that are reunited, which would by conſequence be at their Diſcretion: and being then ſtronger, and more formidable than ever, they might keep thoſe Fiefs without apprehending that any would dare to begin the War, to oblige them to Reſtitution.

D. of Lorrain's *Intereſt conſider'd.*

It would be no more difficult for them, a ſecond time to diſpoſſeſs the Duke of *Lorrain*; for who would take Arms for the Intereſts of that Prince? Would the Empire? But the *French*, by paſſing the *Rhine* at *Strasburg*, would be able to carry the War into the Heart of *Germany*. Would *Spain*, or *Holland?* But would they have Courage to declare againſt a Power which is capable of reſiſting ſo many Allies? 'Tis viſible, that if by the Treaty of Peace the *French* keep *Luxemburg*, *Briſac*, *Huningen*, *Phaltzburg*, *Strasburg*, *Fort-Lovis*, and *Landau*, the Country they would reſtore to the Duke of *Lorrain*, would be inclos'd in their own, and by conſequence at their diſpoſal.

And yet they puſh their Pretenſions further: They would keep *Saar-Lovis*, *Bitch*, *Homburg* and *Longuy*, which are the only Places that would remain to the Duke for the Security of his Perſon; and they renounce the *Four Ways* of half a League in breadth, ſtipulated by the fourteenth Article of the Treaty of *Nimeguen*, no otherwiſe but by reſerving a free Paſſage for their Troops thro *Lorrain*. But they have their Reaſons for this manner of Proceeding: They may have a mind to make a new Invaſion upon the Empire, or the *Low-Countries*; and it would be their Intereſt to leave nothing behind them, and then the Duke of *Lorrain* is diſpoſſeſt again, and may be oblig'd to give up his Country for Lands of a like value in the Centre of the Kingdom.

'Tis in vain that *France* ſhould found it ſelf upon the Treaty of *Nimeguen* for what reſpects *Lorrain*, becauſe the late Duke never accepted the Offers that were made him by this Treaty; and *France* having violated it in ſo odious a manner, ought not to be admitted to draw any Advantage from it. It is yet more ridiculous to alledg the Treaties which they made the old Duke of *Lorrain*, *Charles* III. ſign, while he was poſſeſs'd with an implacable Hatred againſt his Relations, and blinded by his fooliſh Amours; thoſe Treaties cannot be to the prejudice of the preſent Duke, who demands to be re-eſtabliſh'd in the Poſſeſſions of his Anceſtors which lawfully belong to him.

Offers of France *to the Elector* Palatine.

France offers to the *Elector Palatine* what it has taken from him during this War. But what will it reſtore to that Prince? Heaps of Aſhes for ſtrong and rich Cities, horrid Deſarts for a Country fertile and well cultivated; and inſtead of Subjects whom Induſtry and Commerce had enrich'd, an infinite Number of poor Wretches, who muſt be a Charge to their Sovereign, and force him of neceſſity to ſupport them in their Miſery. Is it juſt that after having carry'd Fire and Sword thro all the Country of this Elector, without having the leaſt pretence for that Cru-

elty, there ſhould be no Thoughts of any Satisfaction for ſo conſiderable Loſſes? But we ſhall ceaſe to wonder at it, if we conſider that at a time when 'tis ſo much the Intereſt of *France* to manage the King of *Sweden*, who is acknowledg'd as Mediator by all the Parties intereſted in the War, the *French* King not only offers him the Dutchy of *Deux Ponts*, without giving any account of the Revenues he has drawn from it during its Uſurpation, but alſo continues to ruin that Dutchy by Extortions, which will for a great while render it unprofitable to the Prince to whom he ought to reſtore it.

The Renunciation of the pretended Rights of the Dutcheſs of *Orleans* upon the *Palatinate*, ought to be accounted for nothing. For ſince *France* hath inſiſted upon them, tho they had been renounc'd by the Contract of Marriage with that Princeſs, and by the Acquittance they gave of the Payment of her Portion, 'tis certain that a ſecond Renunciation would not be more inviolable than the former. I might prove that the *Palatine* Princeſſes have no Pretenſions upon the States of their Family, nor upon what depends on them, as long as there are *Palatine* Princes and Dukes of *Bavaria* in the World, becauſe the one and the other deſcend from *Stephen* Count Palatine of the *Rhine*, Author of a famous Conſtitution in this behalf, which hath been conſtantly obſerv'd ever ſince in that Family. But 'tis not my Deſign to ingage in a Diſpute, that would carry me too far from my preſent Buſineſs.

With regard to the Duke of *Savoy*, I ſhall content my ſelf by ſaying, that if the Allies will keep a Prince in their Intereſts, who has ſo generouſly imbrac'd them, 'tis but juſt that beſides the Reſtitution of what he has loſt, they ſhould procure him the Surrender of *Pignerol*; becauſe if *France* keep that Place, ſhe will be ſure to hold that Duke in an intire Dependence.

Offers to the Elector of Bavaria.

France offers to renounce its Pretenſions to the *Low Countries*, in favour of the Elector of *Bavaria*, upon condition that the Emperor do the ſame on his part: But we are not to build upon any thing that is call'd Renunciation or Promiſe; we muſt talk only of Reſtitution. I had rather *France* would reſtore us ſome, than promiſe us all. We know very well, that that Crown which hath broken all precedent Treaties when its Intereſt requir'd it, will not change its Maxims if we conclude a Peace, that ſhould leave it in a Condition to attempt what it pleaſes. And ſince we cannot find Guarantees capable of puniſhing it for its Infractions, nor Oaths more ſacred than thoſe it hath already violated, 'tis plain, that there is but one way of convincing us of the Sincerity of its Intentions, and that is, to make us a Barrier in the *Low-Countries*, and upon the *Rhine*, that may prevent all our Fears. If it conſent to that, the Peace may be quickly made; if it refuſe, there is no Safety for us, but in the continuing of the War.

The ſame thing may be ſaid, in regard of the renouncing the Succeſſion to the Kingdom of *Spain*. That of the late Queen was as ſolemn as could be wiſh'd, it was confirm'd by Oath, it was made, not by the Queen alone, but by the King her Husband, for himſelf and Succeſſors; and yet they would now declare it null and void, under pretence that it was not in the Power of the late Queen to do it in prejudice to the *Dauphin*: and therefore we may aſſure our ſelves, that tho the King of *France* and the *Dauphin* ſhould now conſent to a new Renunciation, it would ſignify juſt nothing, without obtaining ſuch Reſtitutions as ſhould put it out of their Power to break their Words.

Offers to the King of Spain.

As to what regards the King of *Spain*, *France* conſents to reſtore him all that ſhe hath taken in *Catalonia*; and indeed, it is not ſo much their Intereſt to keep their Conqueſts on that ſide. Their principal Deſign is to make themſelves Maſters of the *Low-Countries*; and 'tis for that reaſon, that they will not conſent to make us a Barrier there ſufficient to ſecure us, but limit their Offers to the Reſtitution of *Mons*, *Namure* and *Charleroy*.

Luxemburg *of great conſequence.*

I do not ſee what Reaſon that Crown can alledg for the keeping of *Luxemburg*, a Place which indiſputably belongs to *Spain*, and which *France* ſeiz'd on by open Force ſince the Treaty of *Nimeguen*, that is to ſay, in full Peace, and by the moſt barefac'd Violence in the World. Will they ſay, that this important Place was yielded them at leaſt for twenty years by the Truce? But there is a great deal of difference between a forc'd and proviſional Ceſſion, and a free and perpetual one: Beſides, *France* having violated the Treaty of Truce, ſhould not in reaſon be permitted to enjoy any thing from it. Will they ſay, That *Luxemburg* is neceſſary for them, for the Security of their Frontier? This they are aſham'd to plead, ſince in the laſt War they could not break into *France* that way, tho it were then in the Hands

Hands of *Spain*. In effect, *France* having *Thionville* to cover the *Moſelle*; *Verdun* and *Sedan* to cover the *Meuſe*; *Longuy* and *Montmedy* between thoſe two Rivers; and *Metz* more within, to ſerve for a Place of Rendezvous; 'tis evident, that it is in no Apprehenſions from any thing of this nature: and therefore, if they will be ſincere, they muſt confeſs, that they will keep *Luxemburg*, becauſe it covers the Electorates of *Treves* and *Cologne*, the Dutchies of *Juliers* and *Limburg*, and a part of the Biſhoprick of *Liege*; becauſe it gives 'em a great Circuit of Ground; and becauſe its Situation is ſuch, that it facilitates the Succors which the *Low-Countries* might receive from *Germany*. One may truly ſay, that the Dutchy of *Luxemburg* is more important to the King of *Spain*, than half the *Low-Countries*; and it cannot be imagin'd, that *France* is ſincere in the Offers of Peace, when in ſo capital an Article it ſays nothing of Reſtitution, no not ſo much as of an Equivalent.

Offers to the Biſhop of Liege.

They do conſent, indeed, to give one to the Biſhop of *Liege*, in the open Country of *Luxemburg*, for the Cities of *Dinant* and *Bouillon*. But how can they offer for two ſuch important Places, only a part of an open Country, which too belongs to the King of *Spain?* Beſides, by the Treaty of *Nimeguen*, *France* ingag'd it ſelf to reſtore *Dinant*, upon condition that *Charlemont* ſhould be yielded up to that Crown. This Condition was perform'd; and yet it did not hinder the *French* from keeping both the one and other. They cannot therefore now refuſe to reſtore *Dinant*, after having detain'd it ſo unjuſtly: and if they pretend to keep it by a Treaty of Peace, it cannot be but with the Deſign to remain Maſters of the *Meuſe*, and to beſiege *Namure*, when the Conjuncture will permit.

A double Barrier neceſſary againſt France.

'Tis out of all diſpute, that to give us any ſort of Security on that ſide, we muſt have a double, and even a triple Barrier; or elſe the taking of *Namure*, or that of *Mons*, will carry the Enemy again into the Heart of the *Low-Countries*, and make the Conqueſt of them only the more eaſy. We have ſeen the *French* take thoſe two Places in a time when we had conſiderable Armies in *Brabant*, and when Diverſions were made in our favour on the ſide of *Germany*, *Italy* and *Catalonia*. How then would it be poſſible to ſave them if *France* ſhould make a new Rupture, after it had diſarm'd the Allies by a Treaty of Peace? We may aſſure our ſelves, that after the manner they now attack Places, one ſingle Campagn would be enough to render the Loſs of the *Low-Countries* inevitable, and that the *French* would be Maſters of them, before the League (which muſt be form'd to make Head againſt them) could be in a Condition to reſiſt them. 'Tis therefore abſolutely neceſſary, that *Mons* and *Namure* be cover'd by other Places, that may ſuſtain the firſt Efforts of *France*: and after the Experience we have had of the Forces of that Crown, we muſt ſee that there ought to be a better Barrier for the *Low-Countries*, than that which was fix'd on by the Treaty of *Nimeguen*.

Offers to England *and* Holland.

I ſhall not inſiſt upon the Conditions that are offer'd to *England* and *Holland*, becauſe they conſiſt only in the renewing of the Treaties of Commerce; I ſhall only ſay, that the great Intereſt of theſe two Nations is, the Re-eſtabliſhment of a good Barrier in *Flanders* and *Brabant*. 'Tis a Truth of which none can doubt, that the Conqueſt of the *Low Countries* would put *France* into a Condition of giving Laws to all *Europe*; and 'tis another Truth, that is no leſs evident, that nothing can hinder the *French* from making this Conqueſt upon the firſt Occaſion, if we accept of the Conditions of Peace which they now offer us. The greateſt of our Intereſts then is here concern'd, leſt *France*'s being in poſſeſſion of the Ports of the *Spaniſh Netherlands*, and keeping the *Hollanders* in Slavery, or at leaſt in an indiſpenſible Neceſſity of remaining in a good Union with that Crown, the *French* ſhould become abſolute Maſters of our Commerce; leſt they ſhould oppreſs *Germany*, *Spain* and *Italy*; whilſt we being ſhut up in our Iſland, and out of all Communication with the Continent, ſhould be Spectators of that Revolution, without being able to hinder it.

'Tis viſible therefore, that the Safety of *England* depends upon the Preſervation of the *Low Countries*. But what ſhall we ſay of the Glory of the Nation? Tis certain, that if we procure an advantageous Peace for the Allies, by continuing the War with the ſame Vigour that we have ſhewn hitherto, *England* will have the Honour of having ſav'd *Europe* from Chains, and will remain the Arbiter of its Deſtiny.

'Tis

A Ballance to be made betwixt France *and the Houſe of* Auſtria.

'Tis the general Intereſt of all *Chriſtendom* to reſettle the Houſe of *Auſtria* in a ſort of Equality with *France*. This Equilibrium is neceſſary for the Security of the People, and even for that of the Sovereigns too. But 'tis the particular Intereſt of *England* to re-eſtabliſh this Equality, that ſhe may have the Ballance in her hand, and turn it to which ſide ſhe pleaſes. This is the only means we can make uſe of, not only to maintain the Empire of the Sea, which we have regain'd the poſſeſſion of in ſo glorious a manner, but even to inable us to decide the Succeſs of Wars, and the Conditions of Treaties for the future. The Nation begins already to recover in *Europe* the Rank which ſhe ought to hold. Our Fleets are Miſtreſſes of the two Seas, the Security of our Commerce is perfectly re-eſtabliſh'd, we have ſeen the *French* reduc'd to a neceſſity of letting their Maritime Towns in the Ocean be burnt, while their Fleet is ſhut up, and at it were impriſon'd in a Port of the *Mediterranean*, to avoid the being attack'd by ours. We have begun to ſtop the Progreſs of their Arms in the *Low-Countries*; and the taking of *Huy* is not of ſo little Importance, but that it opens a way to greater Conqueſts, in giving us Opportunity to draw off a great part of our Gariſons from *Liege* and *Maeſtricht*. Beſides, we may without Flattery ſay, that we have a numerous Army upon the *Rhine*, and may expect great things from the Prince that commands it. The Duke of *Savoy* will be able to make a more conſiderable Diverſion on that ſide, than he hath hitherto done, becauſe he will act in concert with our Fleet; and 'tis to be hop'd that the *Turks*, diſcourag'd by their Loſſes, and being convinc'd that *France* will ſacrifice them, will at length, by making an Accommodation with the Emperor, prevent the Danger they would be in, if they ſhould be the laſt in making a Peace. Add to all this, the Extremity to which *France* finds her ſelf now reduc'd: they are forc'd to abandon to us the two Seas; they are under an Impoſſibility of augmenting their Forces by Land; their Commerce is abſolutely ruin'd, their Subjects diſcontented, and their Troops ill paid. In a word, if the Allies will but make the beſt of this Conjuncture, it ſeems moſt certain, that they muſt quickly obtain reaſonable Conditions of Peace, and that *Europe* may thereby enjoy a ſolid and a durable Repoſe.

The Engliſhman's *Choice and true Intereſt,*

Printed in 1694.

In a vigorous Proſecution of the War againſt France; *and ſerving King* WILLIAM *and Queen* MARY, *and acknowledging their Right.*

WHEN I find thoſe very Men, who, in former Reigns, had ſacrific'd our religious and civil Rights to the Pleaſures of their Princes, or Humors of a governing Party, now to ſet up for Patriots, in oppoſing, or undervaluing one of the beſt Princes that ever ſat on the *Engliſh* Throne; Indignation, if not the Love of my Country, were enough to make me write.

Murmurers againſt Taxes cenſur'd.

Who, ſays the wiſe Satyriſt, could endure the *Gracchi* talking againſt Sedition? And what true *Engliſhman* can with Patience hear them declaim againſt Taxes for carrying on the War againſt *France*, who were eager to give what the Court could ask, in a War againſt Proteſtants? Who incourag'd and conniv'd at the late King's arbitrary ſeizing the Cuſtoms, and would rather we ſhould be at the Mercy of *France*,

France, to take all if it pleaſes, than to part with what bears no proportion to the vaſt Benefit which we have, in the Security of our Religion, Eſtates and Lives, from the Barbarity of an inhuman Enemy: Who may be very good Companions for thoſe well-bred Gentlemen who are ſo fond of them, but would be ill Maſters of *England*.

Murmurers againſt the War.

Shall thoſe Men complain, that *Engliſh* Blood or Treaſure is ſpent in ſo neceſſary a War, who were acceſſary to the ſolemn Murders in form of Law of the beſt and nobleſt of the *Engliſh* Nation? Such as would gladly have dy'd in that Cauſe, which our degenerate *Engliſh* men now ſtart from.

Is not Danger in the Field much more deſirable than to be at the mark of a bloody ruling Party, who after their breaking in upon the City of *London*'s Liberty of electing Sheriffs, could never miſs of having any Man's Life in their Power, nor ever ſpar'd where they thought it their Intereſt to deſtroy?

Shall thoſe Men, who by Surrenders of Charters, and other ſordid Compliances proſtituted the Conſtitution of the *Engliſh* Monarchy to the Papiſts behind the Court-Curtain, deny the Right of their preſent Majeſties, and ſet themſelves againſt the paſſing any Law which may oblige Men to acknowledg their Right, out of pretended Zeal for the Conſtitution?

Non-Jurors refus'd to ſign a Declaration of Abhorrence.

Shall theſe Men hope to convince the World, or do they themſelves believe, that the Conſtitution places all Authority unalterably in the firſt upon the Royal Line, without any regard to Laws? If it be ſo, what make they of the Conſtitution it ſelf? How did any become lawful Governors? And how came it to paſs, that the pretended Martyrs for a falſe Loyalty, refus'd to give the late * King any aſſurance that they would adhere to him? And that, upon our preſent King's advancing towards *London*, they invited him to the Adminiſtration, before the late King left *England?* Did they make no Scruple to turn him out of the Government; and yet, after others are ſettled, are they troubl'd with Qualms of Conſcience about the former Right? Is it tolerable for them to ſay, they would not have had his preſent Majeſty King, when they had aſſiſted ſo truly to unking the other; and no real Medium was left, but King *William* or a Commonwealth?

Conſcience a falſe Pretence.

But can they pretend Conſcience, who have none againſt Penſions and Places from a Government, the Right of which they diſown? And they above all, who not only declare againſt the Right of thoſe Princes to whom they have ſworn Allegiance, but after enriching themſelves beyond meaſure, in Offices of the greateſt Truſt under them, have betray'd their Truſt ſo manifeſtly, that there is hardly any body now who does not ſee it? The notorious and publick Marks of which Treachery may be ſo trac'd ſtep by ſtep, and ſet in ſo true a light, that no body who is not a party with them, or judicially blinded, ſhould queſtion it.

I muſt needs ſay, if ſuch there are in the world, who have read Scripture and Hiſtory to that great advantage, and ſo good purpoſe, as to apply to his Majeſty what is ſpoken of a forc'd Submiſſion, ſaying, *We ſubmitted to him in the day of his Power*; or what ſome Hiſtorians ſpeak of *H.* 4's Scruple, when he had loſt his Senſes, about his ſuppos'd Uſurpation: Such muſt be thought, like Men of Honour, to have given fair warning of what were to be expected from them.

The King too good to his Enemies.

But if his Majeſty has run the hazard of loſing the Affections of his beſt Subjects, by that only fault of being too good to his Enemies; who can doubt, but he who has ventur'd ſo much and done ſuch great things for the good of the Nation, will do this one thing only, yet to be deſir'd, which is, to take from his Enemies the opportunities of betraying him?

At his firſt landing the Serpents lay expiring under his feet; but his Goodneſs, which like the Sun communicated warmth to all, gave them new life and power to ſting. How happy a thing is it, that they have ſhewn ſo much of their Natures! Had they been leſs open, they might ſtill have upholden that Credit which the pretence of Zeal for the Church and the Monarchy had buoy'd up ſo long, and we ſtill been waſting in a lingring War with *France*; which by vigorous and ſpeedy Supplies, honeſtly manag'd, may ſoon be ended to the Glory both of Prince and People.

It was obſerv'd of the old *Romans*, that they were the more formidable by their Loſſes to the *Carthaginians:* which made them more united at home, more active againſt the Enemy, and careful to find out Perſons able to ſerve the Commonwealth.

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* Vid. *the Paper which he preſs'd the Biſhops to ſign, to aſſure him and the Nation, that they were not for the Prince of* Orange.

Nor

Nor can we expect leſs from the Wiſdom and Reſolution of the *Engliſh* Nation, which will own the King's Title, and ſerve him, without reſpect to a few Men who have no Power in *England* but from the King. They pretend indeed to be Pillars of the Church, while they are undermining its Foundations, and would make the Church of an inconſiderable divided Party, Diſſenters from the true Church of *England*, the beſt of the Nobility and Gentry, and the whole Body of the People; who are intirely for his Majeſty, as he has redeem'd them from Popery, againſt which the Church of *England* has long been a known Bulwark.

The Church a great Pretence.

They talk high for Monarchy, but are not for the *Engliſh* Monarchy or King; and conjure up the Phantaſm of a Commonwealth, to divert the Apprehenſions of the Power of *France*. Nothing but the worſt Miniſtry ever made a Commonwealth tolerable in *England*; nor has the Notion of it been rais'd of late for any better purpoſe, than the diſcrediting them who are not for the Government of the late King and the *French*.

They who have labour'd under that Imputation, are the Men who declar'd for their preſent Majeſties, when the others would have *K. William* only a *Regent*, a *Protector* of a Commonwealth, or Officer under *K. James* during his pleaſure; or rather under them, till their turn were ſerv'd; without any ſenſe of Gratitude for the Deliverance wrought for 'em.

Falſe Pretences us'd.

While our blind Zealots for Monarchy ſhew, that *K. James* and the *French* King are the only Monarchs they would ſerve; Intereſt, as well as Inclination and Duty, carry the ſuppos'd Commonwealths-men to do their utmoſt for a Prince, who revives to them the Memory of the beſt of thoſe Kings who have headed *Engliſh* Armies abroad.

The King's perſonal Bravery.

When they conſider how much this King does in his own Perſon, beyond any Example of this Age, unleſs of the Great *Guſtavus*, who rais'd and ſupported the Proteſtant Intereſt in *Germany*; how truly he makes good the Character of his Illuſtrious Family, in being the Deliverer of oppreſt Nations; how well he performs his part, how much ſoever his Affairs are clog'd at home; with what Wiſdom he unites and keeps together the Confederates againſt the Diſturber of the Peace of *Chriſtendom*; what Life he gives to their Troops, and what real Advantages he cauſes them to obtain, not ſuffering *Flanders* to be over-run by ſo powerful an Army of Soldiers long train'd up to War, under the ſame Diſcipline, animated by the Examples of the Flower of their Nobility and Gentry: theſe ſuppos'd Commonwealths-men are ready with their Eſtates and Perſons to make war in good earneſt, and put the *French* under a neceſſity of waiting upon our Deſigns, and not we upon theirs; and of diſgorging their Uſurpations upon our Allies, if they will preſerve what more truly belongs to them.

I well know, ſome there are, who, as they deſire we ſhould fall by our ſelves, ſuggeſt that we may ſtand ſo; that our Navy may guard our Coaſts againſt Invaſions; or our Militia and other Forces at home may be enough to preſerve us if Enemies land.

Theſe Men cannot but own, that it is much better for *England* to be at Charges in keeping the Enemy at a diſtance, than to be the Seat of War; and that if any one of thoſe Allies, whom they undervalue, join'd with *France*, it were ſuch an acceſſion to its Power, as the *French* Party here would be very glad of: nor is there any one of them, who would not in ſuch caſe be as much magnified by that Party, as now they are leſſen'd.

The formidable Power of France.

But it is evident, that if the *French* ſhould ſwallow *Flanders* (which they had certainly done before now, if it had not been for the Confederacy) *Holland*, which has lately ſet us ſo good an Example ſince the Battel of *Landen*, muſt neceſſarily truckle, and their Navy be at the command of *France*. And how could we expect a Fleet able to ſecure us againſt both, when hitherto we and *Holland* in conjunction, have done ſo little againſt the Naval Force of *France?* excepting that memorable time, when Admiral *Ruſſel* (whoſe Victory was by ſome Men held a crime) to his eternal Honor and Glory, ſo well maintain'd the Reputation of the *Engliſh* Nation.

If *France* had no Enemy but *England*, and were at liberty to employ againſt it all their Armies in *Flanders*, upon the *Rhine*, in *Piedmont*, in *Catalonia*, and in their Gariſons (which together amount to near 400000 Men) while ſo many here ſhew themſelves ready to declare for them; what could *England* hope for, but to be a Field of Blood? And how could we think that the *French* Swords would be ſheath'd, while there were one Proteſtant remaining? Nay, when we conſider how barbarouſly they uſe the People whom they ſubdue, tho of their own Religion, with-

without regard to religious Houſes or Churches, or the Sepulchers of Princes; we may believe, that the *Engliſh* Papiſts would find little better quarter than others. They who have had ſuch fatal proofs of the *Engliſh* Valor and Enmity to them, would take care never more to be in fear of their antient Enemies; nor is it to be thought, that any thing leſs than our total Extirpation would ſatisfy 'em.

When on the other ſide we conſider, that notwithſtanding all the Treachery of thoſe among us, who by all manner of Ties have been oblig'd to do their utmoſt againſt *France*; notwithſtanding the Union and Fidelity in that King's Counſels, and his greateſt Efforts which he deſign'd ſhould be deciſive this laſt year; yet our King has ſtopt the Progreſs of his Arms, and given that Reputation to the Confederates, that where he is in Perſon *France* will never attack them without double their number; What leſs can be expected from the Gratitude and Affection of a brave People to ſo great a Prince, but that they will put him into a Capacity to meet the *French* with equal Numbers, which is to be aſſuredly the Arbiter of a ſecure and honorable Peace; and that the more glorious, by how many the greater Difficulties the Treachery of his pretended Friends has oblig'd him to ſtruggle with? *Treachery among our ſelves.*

How impatiently did this Nation bear the private caballing Deſigns of former Kings, which have kept them in againſt *France*? What is it that they more coveted for this laſt Age, than to have a Prince firm, beyond all poſſibility of doubt, in the Nation's quarrel; and who would be ſure to endeavour to chuſe ſuch under him as would ſecond, if not promote the univerſal Bent and Deſire of his People?

King *Jugurtha* in antient times was known with Preſents to have corrupted the greateſt part of the Council of *Rome*, and to have kept them from aſſiſting their Friend and Ally, when a vigorous War had been for their Honor and Intereſt: Nor did that bribing King ever think in good earneſt of ſubmitting himſelf, till *Metellus*, a Man of known Prudence, Courage and Integrity, was at the Head of Affairs. Jugurtha's *Character.*

Nor can we hope to bring *France* to Reaſon by *French* Penſioners, if any ſuch there be. We may learn from their faithful Hiſtorian *Philip de Comines*, that *French* Mony us'd to be very current in the *Engliſh* Nation: It is not for me to ſay it has had any influence of late. But I may ſay, there has been ſuch a Chain of Treachery ſomewhere, that every ſtep looks as if the Meaſures were taken from *France*. Yet all the Corruption to be fear'd is not only from Mony; for ill Habits, Natures or Principles do equally corrupt and turn Men from the Service of this Government. French *Mony bribes.*

I muſt needs think it no undue Cenſure to ſay, that no Man who underſtands the Conſtitution of this Monarchy can be againſt the preſent Government out of Principle: For whoever queſtions the Right of it, either has not us'd due means of informing himſelf how fully the Settlement is warranted by the Conſtitution, or has that want of Judgment, which makes him a Dependent upon the Judgment of others; and the Practice of them who give rules to the unthinking Vulgar, has been ſo inconſiſtent with it ſelf, as well as with their profeſs'd Principles, that they muſt be aſham'd of pretending to any thing but Obſtinacy, and deſerve the ſame credit with the *French* King, when with his Fleet upon our Coaſts he ſo graciouſly declar'd for the Church of *England*. *The preſent Settlement juſtify'd.*

As to them who come into the Government, and yet deny its Right, or place it upon ſuch an uncertain bottom as is a virtual Denial of it, whether Conqueſt or ſuch a Providence as gives one's Purſe to a Robber; it muſt be ſaid, that we find not this flying Party the ſame Men in one Station that they are in another.

But whatever Party they are of, thro whoſe Hands the Adminiſtration has paſs'd, they ought to remember that old Srying, *The Publick Affairs will not be ill adminiſtred.* In this caſe bare Indiſcretion, or Inadvertency, or want of Intelligence, is a crime of a high nature. And if any Man has arriv'd to that height, to own himſelf the occaſion of laying aſide a Victorious Admiral, becauſe he has been againſt him in the Houſe of Commons, this would be to aſſume more than Regal Power; and ſuch Inſolence, if there were no more in it, would deſerve equal Puniſhment with the moſt notorious Treachery. *Notorious Partiality cenſur'd*

But if any in the Government have held out a Flag of Truce to its Enemies; if being againſt the Right of their Majeſties, has with them been a Recommendation to Preferment, and Zeal for their Right a Cauſe of Diſgrace; what in others might paſs only for Miſmanagement, cannot but be judg'd Treachery in them.

Whatever is given under the Management of Men of another Allegiance, is but providing Cannon to be turn'd upon our ſelves. But when Men are aſſur'd that they who hold their preſent Majeſties to be our lawful and rightful King and Queen (which is the true Teſt of Loyalty) ſhall be the only Perſons entruſted under them *The King's true Friends who?*

with the Adminiſtration: Who is he that wiſhes well to *England*, that will not chearfully contribute to his power, for the maintaining the Right of a Prince, without whom we cannot hope to be long a People?

They who have aſſerted his Right from the firſt Settlement of it, as they have therein renounc'd the late King, we may be ſure can have no Merit to plead upon another Change; nor will they act to their own apparent ruin, and hold the Baſon at the cutting of their own Throats.

Others, tho they cannot long enjoy their Crimes, may fancy, that what they have done for a *French* Tyranny, and their fitneſs to be Inſtruments of it, may continue to them the Advantages they are now poſſeſs'd of; or at leaſt they may be aſſur'd of the ill-natur'd Satisfaction of ſeeing thoſe whom they have long trampl'd on, deſtroy'd before them.

Unaccountableneſs of Proteſtants being againſt the Government.

And indeed, were it not for the inhuman Pleaſure of Malice and Envy, it were impoſſible that Proteſtants, and they men at eaſe in their Fortunes, ſhould engage in Plots againſt a Government, which is the only Security of their Religion and Eſtates. And the Good of *England* is ſo bound up in the Life of his Majeſty, that it can hardly be thought that numbers of any Party ſhould engage againſt him. The Papiſts themſelves owe to him that Protection and Security, which King *James* could not have given them, beſides the Reſtitution of thoſe fundamental Laws, in the defence of which their Forefathers had ſignaliz'd themſelves; when they ſo truly diſtinguiſh'd between the Church of *Rome* and the Court of *Rome*, and thought themſelves very good Catholicks when they maintain'd their Liberties, by reſiſting the Uſurpations of Popes and of Princes, as no part of God's Ordinances. The High-Church and Paſſive Obedience-men were perhaps the moſt ſenſible of the Miſchief of the late Reign, as they found ſuch advances towards turning them out of all Offices in Church and State; and their moſt celebrated Heads had, while under that ſenſe, in their Propoſals to K. *James*, their Refuſal to ſign an Abhorrence of any Deſign againſt him, their cloſing with the Deliverance, if not inviting the Deliverer, and joining to put him into poſſeſſion of the Power of the Nation, acted ſo contrary to all their former Proceedings, that one would have thought they had all of a ſudden become *Engliſh*-men, and would have vindicated the *Reformation* from the reproach under which it has ſuffer'd; as if we loſt in Civil Rights while we gain'd in Spiritual, and that to be true Chriſtians, we were to lay all our worldly Goods at the feet of our Princes, that they might diſtribute them among the Succeſſors of the Apoſtles.

Moderate Church-Party.

The moderate true Church Party could not but rejoice to find ſuch a return of their Endeavours, in the Settlement of the Government upon a bottom, for which they had ventur'd ſo far and ſo long to no purpoſe. But if any of them, who have ſuffer'd in the Publick Cauſe, or ſympathiz'd with them that did, now fall off from a Settlement, call'd for by the Voice of the People and the Neceſſities of the Publick; what do they but condemn themſelves, or thoſe their Friends, who by their laudable Endeavours for the *Bill of Excluſion*, ſhew'd that their Religion was more Sacred to them, than the ſuppos'd *Divine Right* of Succeſſion veſted in a Popiſh Prince? But if ſuch men deſert this Government, the Blood of the Lord *Ruſſel*, Colonel *Sidney*, Sir *Thomas Armſtrong*, Alderman *Corniſh*, and many other Sufferers for the Publick, will in great meaſure lie at their door, as Acceſſaries *ex poſt facto* to their Murders, and Partakers of the Crime: With whatever pomp they adorn their Sepulchers, what do they but pay Honor to the Memories of *Jefferies*, and of thoſe willing Jurymen, who helpt to diſpatch ſo many Traitors to God and their King?

Jacobites more unexcuſable than the Papiſts.

But certainly it would be very ſtrange if any of them, who have ſo juſtly exploded the Doctrine of the Bowſtring, ſhould become Proſelites to it; and if any one of their Spiritual Guides ſhould now be for K. *James* or K. *Lewis*, I ſhould think him worſe than Father *Peters*, who may be ſaid to have acted with uniformity to a Principle, when ſuch Men muſt be deſtitute of all colour for their Actions, and indeed of common Senſe; unleſs they can think to bring back K. *James* without French Forces, or to reſtrain thoſe Inſolences, which the French Faction would give them opportunity to commit. Should they think to ſupplant this Government, and ſet up another without ſuch help, the Vanity and Madneſs were paſt cure or pity: nor, conſidering the Power of *France*, and how little Virtue is left in thoſe who ſhould take care for the Nation, can *Engliſh*-men ſee any anchor for their Hopes and Expectations of Good to the Publick, but in King *William*.

Is there any man who, tho he ſet out well, is weary of the race of Glory; not finding the Reward due to his Merit, or not enough to ſatisfy a boundleſs Ambition?

Let

Let him conſider how many, like the *Philenian Brethren* of old, contentedly ſuffer'd themſelves to be buried alive, to maintain the Boundaries of their Country; and that Perſeverance in a good Cauſe gives a pleaſure equal to the greateſt Rewards, and is more honorable than the higheſt Promotion.

Volunteers in the good Cauſe.

Let him not envy thoſe Men whoſe Riſe has been a publick Calamity, but thoſe Volunteers in the Cauſe of God, their King and Country, whom Conſtancy and the general Voice advance to the Notice of their Prince. Can it be thought, that when he comes to know what Men have adher'd to their Country's Cauſe in the worſt of Times, and what Men ſerv'd for the ſake of that with the hazard of their Lives and Fortunes; that this great Mind will leave it in the power of ſome few to keep ſuch Men down by their Miſrepreſentations? When he knows, that theſe might have been as great as their Expectations or Deſires, if they would have join'd with the Enemies to the *Engliſh* Liberties; who can believe, that he who refus'd to invade the Liberties of *Holland*, when *France* and *England* tempted him with a Crown and a *Carte Blanche*, will not reward ſuch Vertue wherever he finds it?

Courage how neceſſary a Vertue.

Courage is, if not the Source, at leaſt the Sign of all other Vertues, in Princes eſpecially; nor can a Nation ever apprehend an Invaſion of their Liberties, but from puſillanimous Princes, whoſe Fears make them graſp at falſe Securities, inſtead of what they might be certain of, in the Proſperity and Affection of their Subjects. They who read the Hiſtory of this Kingdom, and mark the Characters of thoſe Princes who have been encompaſs'd with Armies of Mercenaries at home, and them who have headed the *Engliſh* abroad, may be ſatisfied, that Examples to warrant this Obſervation need not be fetch'd from foreign Countries.

The King has no other End than the Good of the Country.

And as we have reaſon to believe, that our King can deſire nothing more than the Good of his People, we ought, as we love our Country, every one according to his Station and Capacity, to contribute our Endeavours, that *England* may not be wanting to it ſelf, or in gratitude to him. And indeed it muſt be ſaid, it has had ſo few good Princes, that it has always till now acted as in a tranſport upon the very Expectation of ſuch an one; nor need we go farther back for an Inſtance than to the beginning of the laſt Reign.

Certain it is, our King has no Quarrel to revenge upon his People, and has manifeſted that Diſpoſition to unite all Parties and Intereſts againſt the common Enemy; which if King *James* had in the leaſt inclin'd to, all the Blood and Treaſure which has been ſpent in this neceſſary War, would have been ſpar'd, and *Chriſtendom* might have enjoy'd that ſettled Peace, which can be expected from nothing, under God, but King *William*'s Arms.

Let it never be ſaid, that we have neglected an Opportunity, for the uſe of which late Poſterity will praiſe us, as otherwiſe they will curſe us for tranſmitting *French* Slavery to them.

An Enemy to France is a Friend to England.

Whoever will come into the Standard, perhaps the laſt that will be ſet up againſt *France*, is to be embrac'd as a Friend to *England*. But many, it muſt be confeſs'd, ought to go thro a ſtate of Trial, before they be receiv'd into any Place of Truſt. The moſt gentle, the moſt ſafe (like the Military Sacrament among the *Romans*) muſt needs be an Oath of Fidelity to their preſent Majeſties: Not an Oath, which either can bear a doubtful Interpretation, or at leaſt has been interpreted into Air, by Men who ſeem to think, that as long as they do not in words acknowledg the Right of their preſent Majeſties, there can be no Perjury by Implication; but ſuch an Oath as may riſe in judgment, even in this World, againſt every body who ſhall act any thing againſt the Right of their Majeſties: An Oath which will leave no Loop-hole, and by which, as by the Word to an Army, we may know who and who are together.

It will never be well, till the Generality are engag'd to be for the Government in all Events. Some for certain there are, who have made themſelves deſperate in this Cauſe; and as they never thought of making Peace with the other ſide, are incapable of Pardon. They abhor a double Game, and leave it to others to be Heads of a Party which is againſt the Government, and to ſupport its Enemies, under colour of getting into their Secrets, or bringing them over from their Principle or Faction. They give men Characters according as they find their Affections to the Publick, whatever their Carriage has been towards them; nor have they Friend or Enemy, but as they are for or againſt their Country; the Love of which, as *Cicero* well ſays, *is above all other Loves.*

Who are accounted Trimmers.

They who would be Trimmers in this Cauſe, make it evident, they are for having the Ship of State ſink all at once: King *William*'s and our Countries ſide can never have

have too much weight againſt *France* and *Rome*. Nor how much ſoever ſome talk for the *Engliſh* Monarchy, can they reaſonably expect to ſee it flouriſh, but under King *William*, or till his Wiſdom and his Arms have left it ſecur'd to us.

I know it is difficult to make Men wiſe, when the Wit and Mony of *France* raiſe ſo much Art to impoſe upon them; yet this would be loſt upon the generality of *Engliſhmen*, if all Diſguiſes were thrown off, and they who are for *France* or King *James* would ſpeak out. That well-meaning men may no longer be cheated by their falſe Appearances, it may be convenient to pull off their Masks and borrow'd Faces.

Jacobite Diſguiſes.

1. They are very copious upon the Theme of Taxes, and the exporting Mony to our Armies abroad, or to aſſiſt any of the Confederates; but chiefly upon the payment to the States of *Holland* for their Charges in the late Expedition. They would have it believ'd, that *France* would bring in a ſhorter Reckoning; and would rather have the Nation, like *Conſtantinople*, keep its Riches for a Prey to the Enemy, than give part to keep them out.

2. They to the prejudice of their Majeſties, their Crown and Dignity, advance Subjects to be Heads of the Church of *England*. When a Man has once receiv'd that Unction, his Perſon is become ſacred; and to ſuggeſt that ſuch an one is treacherous, is matter of Excommunication. But who can with patience hear it ſaid, in ſuch a Man the Government loſes or diſobliges a whole Party? When, if the Party be for the Government, they will eſteem no man longer than he can be thought true to it: If they be againſt it, kindneſs to any of them will but embolden the reſt, and give them opportunities for Miſchief. Who, when his Houſe is beſet with Thieves, finding ſome of them lurking within, inſtead of going to maſter them, will think to tempt them to his Defence againſt their Accomplices? They are too far engag'd with one another, to dare to be honeſt, till their whole Gang is, nor can they be reclaim'd by gentle Uſage.

3. They have their known *Cant* and *Shibboleth*, to diſtinguiſh their Party from all others: [the Church] and [the King] are the words given among them to unite Papiſt and High-Church, Jacobite and Loyaliſt.

And they have a certain Anagram, which joins *Lewis* and *James*; but always preferring their old Maſter of *France*, witneſs the Health (*L I M P.*)

And well knowing that *England*, as the great Duke of *Rohan* has rightly obſerv'd, cannot be deſtroy'd but by it ſelf and its own inbred Diſeaſes, they make and foment diſtemper'd Heats among us; which while they divide Proteſtants into different Clans and Intereſts, and while they make many Parties of them who ſhould be but one or two at the moſt, they ſeem to wiſh us *Jeruſalem*'s Fate: But when the Enemy has a Party within our Gates, they who would be of no Party, at leaſt are not againſt the Deſtruction of their Country.

Jacobites Admirers of France.

4. They magnify the Power of *France*, and the Advantage of its way of Government to make War or command Peace, and mightily leſſen and reproach the Confederates; and that chiefly under a popular Mask of Zeal againſt Leagues with Popiſh Princes: which they, good Men! are ſo far from, that they are for ſubmitting to the worſt of them without Terms.

5. They inſinuate, as if *England* bears the Charge of a needleſs War, to maintain the Dominion of a foreign Prince, not conſidering that the *Dutch* alone have in their pay 106540 Men, beſides their allowing 25000 Guilders a month towards carrying on the War in *Piedmont*; and are ſo far from being diſcourag'd by the late Misfortunes from a vigorous Proſecution of the War, that they have added 15000 to their former Land-Forces, beſides increaſing their Navy.

The Importance of preſerving Flanders.

And it's a known Maxim, That the Preſervation of *Flanders* is more for the Intereſt of *England*, than of *Spain*. If *Flanders* be an Acceſſion to *France*, *Holland* muſt ſoon follow, and *England* next. They are like Nine-pins, the throwing down one carries the reſt.

The Importance of *Flanders* is ſufficiently confeſs'd by theſe Gentlemen, when they would have others believe there is a neceſſity of our truckling to *France* upon the taking a Town or two there, and yet they are for giving it all up: but any Man who has ſeen the noble Towns and large Country yet remaining, would think it very well worth the preſerving. *Antwerp* it ſelf, if it were in the *French* hands, would command the Trade of *Chriſtendom*.

Inſinuations againſt the Fr. Proteſtants.

6. They are very invective againſt *French* Proteſtants among us, as promoting Schiſm, eating the Bread out of our mouths, and being Spies for *France*; as if they wiſh'd them their Perſecution again.

7. The

7. The *Dutch* they would render more dangerous than either of the *Turks*, because of the Strength of their Shipping, and their Rivalſhip with us in Trade; not conſidering how they themſelves have helpt to raiſe *France* to be a match for us and *Holland*, and how likely it is, by the dividing either from the other, to ſwallow both: yet by open ill Uſage, or a treacherous and fatal Friendſhip, they would drive the *Dutch* to take part againſt us. *Againſt the* Dutch.

8. They repreſent it dangerous to arm the Proteſtants in *England*, out of a pretended Fear of a Commonwealth; and in *Scotland* and *Ireland*, for fear the Church ſhould be over-run with Proteſtants of all ſorts; holding the *French* Power and Popery to be more remote Dangers, or more tolerable Evils. *Againſt arming of Proteſtants.*

9. They beyond meaſure magnify that Service the Diſſenting Biſhops did themſelves, in appearing for *England* in their own defence; and improve that Surprize and Tranſport which the Nation was in, to ſee them once in their lives Proteſtants and *Engliſhmen*, without marks of diſtinction, into an awing the Government with an imaginary Reputation; the very ground of which fail'd, as ſoon as they fell off from the common Cauſe. Nor muſt they think it an eaſy thing to diſpoſe this Nation to turn out a Proteſtant King, becauſe they follow'd thoſe Leaders, as they would any others againſt Popery. God be thank'd, we have a Prince who will not quit his Poſſeſſion without bloody Shirts. *They magnify the Diſſenting Biſhops.*

They may have vanity enough to fancy that they made this Revolution, when they were no more than Flies upon the Wheel, which the Sufferings of Lord *Ruſſel* and others firſt ſet a going. Their Commitment to the Tower, was but the laſt drop with which the Veſſel ran over.

Yet if we reflect upon the Shares ſome of them had in laying or holding on that Burden, which the Nation was eager to throw off; we may own that they contributed to the Revolution, as Storms and Tempeſts do to clearing the Sky for fair Weather.

Theſe, with a few hot-headed Lay-men, who have always us'd the Church for a Sanctuary and *Aſylum*, ſet up for a Church by themſelves, divided from the Body of the *Engliſh* Clergy as well as Laity, and ſtanding between the Church of *England* and the Church of *Rome*.

Since there is no hope of the *Caſſandrian* way for *Rome* to come to them, none is left but the *Laudæan* for them to advance towards *Rome*. And indeed it was very viſible, that they were doing drudgery for the Papiſts in former Reigns, while they were labouring to keep the Church of *England* upon a bottom, which they neither deſign'd for National, or a means of uniting with Proteſtants of other Countries. *The* Laudæan *way advanc'd.*

Can their Reputations weigh in *England* againſt a Government founded in common Proteſtantiſm? or againſt the Reputations of thoſe their Succeſſors, whoſe Piety, Learning and Moderation, as they kept them from the higheſt Stations in the Church againſt the general Voice, at laſt promoted them with the Applauſe of all who wiſh well to *England*?

And tho our Archbiſhop wants the Advantage of an Education at *Rome* (which it ſeems the other has not had to no purpoſe) the greateſt Bigots of the new Sect cannot imagine him ſhort of their Head, in any real Ornament or Qualification. *The ABp vindicated.*

10. They, tho Maſters of no Virtue, are ſo far from eſteeming what the greateſt Enemies abroad admire in our King, that they have the Inſolence to ſpeak unmannerly of his Perſon; when they owe it to his Clemency, that they are not chaſtis'd for it by the Fury of the People. *Their Inſolence againſt the King.*

11. They vilely inſinuate, as if his Majeſty were no Friend to the *Engliſh* Nation; which no man can do, without greatly undervaluing both Prince and People. If indeed the moſt were like themſelves, or what they repreſent them, he would be under an unwelcom neceſſity of living as in a Country of Enemies, who would not have him reign over them. But certainly none but they, who are obſtinately reſolv'd againſt loving him, can apprehend the Hatred of a Prince, whoſe Goodneſs ſurprizes his greateſt Enemies; tho the Coals of Fire, which it heaps upon their Heads, do not melt them into any ſenſe of Gratitude or Shame.

What follows? but that all true *Engliſh*-men ſtanding upon their guard againſt theſe Wolves in Sheeps clothing, and againſt all who may at leaſt be ſuſpected of private ends; ſecond the Intentions and Endeavours of a Prince, who cannot poſſibly be thought to have any Aim or Intereſt, but for the good of this Nation and Mankind in general.

Let

Let us not fear the Power of *France*; like infectious Diſeaſes it will come with a Fear, which debilitates and diſables from Reſiſtance.

Hannibal at the Gates, as it was us'd to frighten the Children of *Rome*, to the Men was a Call and Incitement to take care of the Publick Safety. Not to have deſpair'd of the Commonwealth when its Fortune ſeem'd moſt deſperate, was as happy to them as it was glorious.

And ſhould the Iſſue of oppoſing *France* be as diſmal, as the moſt timorous or moſt deſigning pretend to foretel; it were better, that the laſt day of our being a free People, ſhould overtake us doing our Duty and ſtruggling againſt our Chains, than helping to put them on. And in truth, hardly any thing in this life can be a real Affliction, till Men begin to ſink under the ſenſe of having brought it upon themſelves.

France's Uſage of the Proteſtants.

Thoſe Proteſtants who hope to plead the Merit of voluntary Submiſſions and Services to *France*, would do well to conſider how it has been with thoſe of the ſame Religion there, who enabled their King ſo to uſe them.

And thoſe miſerable Towns and Cities, which thought by delivering up their Keys to ſecure their Houſes, Eſtates, and Liberties, ſtand as ſo many fir'd Beacons, to ſtir up all Nations againſt them.

The Power of France *a Puniſhment to us for advancing it.*

As the Power of *France* may be thought a Puniſhment upon our Acceſſions to it formerly, and preſent Diviſions; when we repent of the paſt, and mend the preſent Cauſe of that Calamity, we may well think the Rod will be broken. Nor will *France* longer be a Scourge than we deſerve it.

It is doubtleſs in our power to remove the moral and judicial Cauſe of our Fears: nor can we think that all thoſe Ravages, Perſecutions, Perfidies and Contempts of God and Man, ſhall long go without ſome remarkable Puniſhment. However, human Greatneſs has its limits and periods, and *France* ſeems to have ſeen its beſt days.

If we uſe the means to humble it, by uniting and exerting our Strength, when once we come to grapple with it, and give it one powerful ſhock; like a great Machine ſcrew'd up to the height, it will never leave turning, till it comes to the bottom.

In which happy Day we ſhall no longer be troubled with the Scruples of the noiſy Few, that hold off from this Government; or the Diſtinctions of the Many, who ſoon ſettled the point of accepting Preferments, but are yet to ſeek of Salvo's to the Reputation of a Party; which muſt change their Principles, and ceaſe to be a known Party, to come to thoſe Grounds upon which the Nation receiv'd their preſent Majeſties for King and Queen, and that of Right.

FH
MVSEVM
BRITANNICVM

An

An ESSAY concerning Obedience to the Supreme Powers, *and the Duty of Subjects in all Revolutions.*

With ſome CONSIDERATIONS *touching the Preſent Juncture of Affairs.*

Printed in 1694.

The INTRODUCTION.

THE Deſign of theſe Sheets (which one would think ſhould be no difficult Task) is to perſuade People to act for the Good and Proſperity of the Community they are Members of, and in which their own is included; and to convince them, That it is their Duty as well as Intereſt, to bear true Faith and Allegiance to the preſent Government. Which Deſign, that I may the better perform, it will be neceſſary to premiſe ſomewhat about Government in general, and the Grounds and Meaſures of Obedience to it; by which I hope I ſhall be able to ſhew, What is the Duty of Subjects, not only in the preſent Juncture of Affairs, but in all Changes and Revolutions.

CHAP. I.

Of Government, and the Origin of it.

GOvernment is, as it is uſually defin'd, *The Care of other Peoples Safety*; which conſiſts in protecting and ſecuring them from being deſtroy'd or oppreſs'd by one another, as well as by Strangers; and redreſſing the Grievances of thoſe that are injur'd, and preventing the like for the future, by puniſhing Offenders. In order to which, the Governor muſt have a Right to command the natural Force of thoſe that expect his Protection, to enable him the better to put his Laws and Decrees in execution. Tho without Power Government cannot conſiſt, yet Power and Government are not one and the ſame thing; a Man may be in the power of another, and yet not be govern'd by him: It is neceſſary that this Power be made uſe of for Protection, without which it is impoſſible to be protected; ſo that Protection and Government are the ſame thing: for where People are not protected, they are ſtill in the ſtate of Nature, and without Government.

Power and Government differ.

It is Government alone that gives the Form, Life and Unity to a Civil Society or Body Politick, by which the ſeveral Members have their mutual Influence, Sympathy and Connection: ſo that to be a Member of a Civil Society, and to be under Government, is the ſame thing; and to be without Government, and to be in the ſtate of Nature, are reciprocal and predicated of one another. None can pretend to be or claim any Civil Rights as a Member of a Society, without owning the actual Government that makes it a Society: and they that diſown the Government of the Society they live in, do outlaw themſelves, and virtually declare themſelves no Members of it; becauſe they have reduc'd themſelves to a ſtate of Nature, by diſowning

Government the life of Society.

owning there is among them a common Judg, who has a Right to decide their Controverſies, and redreſs their Injuries, and in whoſe Determinations they are oblig'd to acquieſce.

God the Author of Government.

God, who is the Author of every good thing, may be ſaid in a more ſpecial manner to be ſo of Government, becauſe it is abſolutely neceſſary to the Well-being of Mankind; and he, by the Law of Nature, which obliges Mankind to act for their good, has inſtituted it, and has ſince by his Poſitive Law ratify'd and confirm'd it. Yet he did not conſtitute any particular Form of Government, but left Mankind at liberty to diſpoſe of themſelves, as they (when they inſtituted Societies) thought fit. God was ſo far from taking this Liberty from any Nation, that when he was pleas'd to take upon himſelf the Office of a King over his own People the Jews, he firſt requir'd their Conſent; and a Contract between God and the People (as is plain by the 19*th* of *Exodus*) was the Foundation of the Theocracy. And ſince it is not by God's poſitive Law, that one Form of Government, rather than another, is any where eſtabliſh'd, there can remain no other way by which any Government can be erected, or that one Man can have a Right to command over others, but by the Law of Nature, or by the Conſent of the Parties concern'd. But there is no Law of Nature for any one Form of Government, ſo as to make the reſt unlawful; or that one Perſon rather than another, ſhould have the Sovereign Adminiſtration of Affairs: Nor can there be any one Law of Nature urg'd, why any particular Perſon ſhould have a Power over ſo many Millions of different Families, with no manner of Relation and Dependence one upon another, and who are by Nature equal, being of the ſame Rank, promiſcuouſly born to the ſame Advantages of Nature, and to the uſe of the ſame common Faculties: And therefore it remains, that Government muſt be deriv'd from Conſent.

Object. *Men are not by Nature free, becauſe they are born ſubject to their Parents (who by the Law of Nature have an Abſolute Power over them) therefore they could not chuſe Governors for themſelves.*

Of Paternal Power.

Anſw. The Power that Parents have over their Children, does not extend to their Lives or Properties, or hinder them from being free, tho they were born in a condition which makes them for ſome time incapable to exerciſe their freedom. It is the Duty of thoſe by whoſe means they come into the World, to take care and provide for them until they are able to provide for themſelves; which Duty Parents cannot effectually diſcharge, except they have a Power to correct and manage them as they think fit.

Children are oblig'd to take the ſame Care for their Parents, if they chance by loſing their Reaſon to fall into the ſame helpleſs Condition; which they cannot perform, except they have alſo in their turn a Power to govern them too, and even to uſe forcible Means when they think it neceſſary.

Whoever has the Charge of educating a Child, whether he be his Father or a Stranger, muſt have the ſame Power over him; and this a Child, tho an abſolute King, muſt be forc'd to ſubmit to. The Information of his Mind, the Health of his Body, and even the Neceſſities of Life, make it abſolutely neceſſary: And if this be not inconſiſtent with Sovereign Power, much leſs is it with Freedom.

How one is by Nature free.

A Man may be ſaid to be by Nature free as well as rational, tho he be not capable of exerciſing both until ſuch an Age; and the ſame Age that ſets him free from the Power of a Tutor, ſets him free from the Power of his Parents, tho nothing can ſet him free from the Reverence (which is not inconſiſtent with the ſtate of Freedom) which he muſt for ever owe them.

Paternal Power affects only Children.

But that Filial Reverence does not give his Father or Mother (to whom by the Law of God and Nature he is oblig'd to pay equal Honour and Reverence) a Power over his Life and Properties, or any Juriſdiction over him: Whilſt he is part of the Family, it is true he muſt be ſubject in Matters that concern the Family, becauſe there can be but one Maſter in a Family. If Parents had an abſolute Regal Power, all Civil Government would be unlawful, becauſe it would deprive all Fathers of that Paternal Regal Power, which by the Law of Nature, which is ſuperior to all human Laws, does, upon their having Children, become their Right; and which the Government could no more juſtly deprive them of, than of that Duty and Honour which Children by the ſame Law of Nature are oblig'd to pay them; and which too, if Government were nothing but Paternal Power, muſt belong to it. But if this Notion were true, this would not give Governors a Power over Parents themſelves, or over thoſe who have no Parents in being, becauſe Paternal Power can affect none but Children: And the Supreme Magiſtrate who does not beget his Subjects,

Subjects, can have no natural nor any other Right to it, but as it is convey'd to him by Conſent; except the Firſt-born from *Adam*, which the Aſſertors of Paternal Power do affirm, hath an Univerſal hereditary Right, the abſurdity of which Opinion has ſufficiently been expos'd by a late moſt ingenious Author. Suppoſing which to be true, it is plain that no other can have the ſame Right; ſo that until that mighty Monarch prove his Claim, all the Civil Power that is now in the World muſt come by Conſent: and there is nothing but that, can give another a greater Power than Parents pretend to over their Children; and which Children are oblig'd to obey, even contrary to their Parents Commands; and which gives them a Power of Life and Death over their Parents, as it frequently happens in Elective Governments; which Governments it is viſible have their Power from the People: and this way too at firſt muſt come the Powers in all Hereditary Governments, for the firſt of a Family could not have an Hereditary Right.

Object. *The Power of Government could not come from the People, becauſe they have no Power over their own Lives; and therefore could not give that to another which they had not themſelves.*

Anſw. It is true, Men having no Power over their own Lives, could not part with a Power they had not; yet Governors will have all the Power which is neceſſary for the Ends of Government, by the Peoples giving them that Power which by the Law of Nature they had over the Lives of one another: for by that Law every one had a Right to take away the Life of another, if he could not otherwiſe ſecure his own, or what was in order to the ſupporting of it; and might do the ſame in defence of any innocent Perſon, and could puniſh any one for injuring him or his Neighbours, becauſe by it he acted for his own and their Security. And if Puniſhment ought then to be inflicted, ſome one muſt have a Right to inflict it; and if any one had a Right, all being by Nature equal, every one muſt have the ſame Right; the exerciſe of which Right men have parted with to their Governors: ſo that they alone have now the only Right to puniſh with loſs of Life, or any leſs puniſhment in all Caſes, except in thoſe where, upon the ſuddenneſs of the Danger, Protection cannot be had from them, or where they wholly neglect or are incapable to protect them; there mens natural Liberties ſtill remain, and they may in defence of their own Lives, or what is neceſſary to ſupport them, juſtly take away the Lives of the Aggreſſors. And any Law which ſhould take this Power from the People, would be null and void, becauſe the People never did or could give the Magiſtrate ſuch a Power as ſhould hinder them from acting for their own preſervation when neceſſity requir'd it.

Men have no Power over their own Lives.

How Government has got the Right of puniſhing.

The Magiſtrate having then his Power from the People, it is very certain he can have no more Power than they were capable of giving him, or did give him; who, becauſe People (who had no Arbitrary Power over the Lives of one another) were not capable of giving it him, can have no Right to take away the Life of any Perſon, except it be for the Publick Good. Nor can Men, tho at the Command of the Magiſtrate, without being guilty of Murder, deprive any of their Lives, when the Good of the Society does no way require it. Nay, by the mutual aſſiſtance which by the Law of Nature Mankind owe to one another, they might, if he ſhould endeavour to deſtroy any, when it is evident it is no way beneficial to the Publick, juſtly oppoſe the Magiſtrate, if oppoſing him would not be a greater Damage to the Publick.

The Magiſtrate never had an Arbitrary Power given him.

As Men could not give the Magiſtrate a greater Power than they had over the Lives of one another, ſo the Power they gave him was not only for the defence and ſafety of their Lives, but to ſecure them in the enjoyment of their Properties, and to judg concerning them by known and impartial Laws. Men having no Power to deſtroy what was beneficial to others, could not give him a Right to waſt or impoveriſh (which is the neceſſary effect of Arbitrary Government, where the uncertainty of the Enjoyment deſtroyeth all Labour and Induſtry) what God has ordain'd for the Neceſſaries or Conveniences of Life. They that aſſert the Magiſtrate has more Power than the People could or did give him, muſt prove he had it from God, who alone could give it him; but God, except to the Jews, gave no other Law about Government, or any other Matter, but that of Nature. And Chriſt, whoſe Kingdom is not of this World, did not give more, or take away any Power from the Magiſtrate: So that whatever Power was given him by Man, he ſtill enjoys the ſame without any addition or diminution.

Magiſtrates Power from the People.

CHAP. II.

Of Paſſive Obedience.

THerefore 'tis very evident, That whatever Rights or Liberties men did not part with to their Governors, thoſe they have ſtill retain'd in themſelves; and no Perſon can have a Right to their Obedience in thoſe things wherein they have given him no Right to command; nor are they (which otherwiſe would be the Conſequence) oblig'd to pay him more Obedience than they owe him, but may defend their Rights againſt any that has no right to take them away.

In the moſt abſolute Hereditary Government, if the Governor ſhould endeavour to alienate it, or any of the eſſential parts of it to a Stranger, he may be juſtly oppoſed, becauſe the People have not given him ſuch a Right, nor is a Right to diſpoſe of a Government neceſſary to his governing them; but ſuch an endeavour ſhall be interpreted ſo far good (becauſe the Acts are not ſo to be interpreted as to be of no effect) as is in his power to make it good; *it ſhall be eſteem'd a good Reſignation.*

By the ſame, if not greater Reaſon, the King in a mixt Government may be oppos'd, if he ſhould endeavour to alienate any of the Parts of the Government, which are by the Legiſlative Power annexed to the Crown, as in *England* the Supremacy in Eccleſiaſtical Matters is: there the People may oppoſe the King, if he ſhould attempt to ſeparate the Supremacy from the Crown, eſpecially if he ſhould endeavour to make the Pope Supreme; becauſe, if they did not oppoſe him in that Attempt, they muſt either be guilty of High-Treaſon in owning the Pope's Supremacy, or be deſtroy'd when the Pope's Supremacy is eſtabliſh'd, for refuſing to be guilty of High-Treaſon, it being Treaſon by the Laws to own his Supremacy. Whoever owns the Pope's Supremacy, is incapable of being himſelf Supreme in Eccleſiaſticals; and he that cannot be Supreme in Eccleſiaſticals, cannot be Supreme in Civils, becauſe being united by the Legiſlature, they cannot be enjoy'd apart.

Government in England *is a mixt Government.*

In a mixt Government, where the Legiſlative Power of King, Lords and Commons (which is the only Supreme Power, becauſe it gives Laws to all) is divided, part in the King, and part in the People; if either Part invadeth the other's Right, the uſurping Part may be juſtly oppoſed, becauſe it invadeth what is the Sovereign Right of another.

None can have a ſhare in the Legiſlative Power, but who muſt have a Right to defend that Power; becauſe any other than a Sovereign Right to the Legiſlature, to which all are ſubject, would be nonſenſe; and whoever has the Executive Power, if he had not a ſhare in the Legiſlative, would be ſubject to it. And he that is intruſted with the Execution of the Laws, can have no more Power than the Legiſlature has given him: and where the People have a ſhare in the Legiſlature, *they have the ſame Right to their Privileges*, viz. *the Laws of the Land, as the King has to his Prerogatives*; becauſe the Conſent of both is equally neceſſary to the altering the Laws, as it was to the making of them.

In a mixt Government, a King, beyond the limits of his Kingly Power, is ſo far from having a Right to Obedience, either Active or Paſſive, that by *aſſuming ſuch an unlimited Power, he loſes all his legal Power, which conſiſts in governing according to the Laws enacted by the Legiſlature*, and by it abdicates the Government: for he that ceaſes to govern according to thoſe Laws, by governing arbitrarily and contrary to Law, ceaſes as much to govern in the Eye and Intent of the Law, as he that ceaſes to govern at all; and by governing arbitrarily (the Conſtitution admitting of no ſuch Governor) deſtroys the very Eſſence of his Kingly Power, and renounces the only Right he has, his legal Right. For no Perſon can have at the ſame time a Will to rule according to Law, and a Will to rule contrary to Law; and he that wills the latter cannot will the former, and ſo willingly renounces his legal Government; and by making his Will the Law, he aſſumes the whole legiſlative Power to himſelf, which wholly deſtroys the former Government: for *a new Legiſlature is a new Form of Government*; and if the Whole be deſtroy'd, the Share the King has in it muſt be ſo too, except a Part can ſubſiſt when the Whole, by which and in which he enjoy'd his Part, is diſſolv'd.

Where-

Where-ever People have eſtabliſh'd a mixt Government, they are preſum'd to grant all that is neceſſary to maintain that Government; which could not be, if one part had not a Right to hinder the Encroachment of the other.

It is nonſenſe to brag of the Happineſs which People enjoy in living under a limited Monarchy, if it had no other Limits than the Will and Pleaſure of the King; becauſe then he would be as abſolute as the *French* King or Grand-Seignior, and his Subjects would be as mere Slaves as the vileſt of theirs, ſince they would hold their Lives and Properties by no other Tenure, than the Pleaſure of the King who is abſolute.

But it may be ask'd, *Who ſhall judg between them, if either ſhould uſurp the Right that belongs to the other?* *Query.*

I Anſwer, None can judg as a Superior in whoſe Sentence both ſides muſt acquieſce, becauſe that would ſuppoſe ſome one ſuperior to the ſupreme Legiſlative Power: Or if the Judges of the Land ſhould have an abſolute Power to determine in theſe Matters, and People ſhould be oblig'd to ſubmit to whatever they decree, they could make either Party the ſupreme Legiſlative Power, or themſelves, by declaring themſelves to be ſo. *Anſw.*

None, as a Superior, can call him to an account who has a ſhare in the Legiſlature; but he may be reſiſted as well as any other, that ſhould invade the Sovereign Rights of others, with which he has nothing to do.

Where People have not parted with their Rights, it muſt be preſum'd they have retain'd a Power to judg whether thoſe Rights are invaded, or elſe the deſign of preſerving thoſe Rights would be to no purpoſe.

But it may be objected, Tho it be no Treaſon, or any manner of Injury or Injuſtice, for People to defend their Rights againſt a King that has no right to take them away, yet for their own ſakes People are oblig'd to ſubmit to his Arbitrary Government, becauſe oppoſing him might create a War more deſtructive than all the Effects of his Arbitrary Power. *Object.*

But what King would reſign his Government, rather than oppoſe a Rebel? And if a ſingle Perſon thinks he is not oblig'd to part with his Civil Right, how can he expect that Millions (were it poſſible it could be for their common Good) ſhould part with theirs? Since too, every one of them has the ſame Right to their Privileges (the Laws of the Land) as he has to his Crown, why ſhould they be more oblig'd to ſuffer their own, rather than a Foreign Prince to deſtroy their Rights? Since the Attempt is a greater Crime in him, becauſe he breaks his Oath, and the Truſt that is repos'd in him, and is guilty of the higheſt Ingratitude to the People who have given him ſo much Power. *Anſw.*

By the ſame Argument good Men ought not to reſiſt Robbers and Pirates: And if a Man ſhould be oblig'd to quit all for fear of Bloodſhed, how bravely would the good of Mankind be promoted, and what a bleſſed Peace would the World enjoy? which would conſiſt in Violence and Rapine, and which would only be maintain'd for the Intereſt of Robbers and Oppreſſors.

Whoever does but conſider the Poverty, the Miſery, the Hardſhip People undergo in Abſolute Monarchies, where the Generality not only want Conveniences, but even the Neceſſaries of Life; and how by tyrannical Government the richeſt and moſt flouriſhing Countries (as for inſtance, thoſe under the *Turkiſh* Empire) are depopulated and almoſt turn'd to Deſarts, ſo that the Inhabitants are thin and few, as well as wretched and barbarous; and whoever compares them with thoſe that live under mixt Governments, where the Inhabitants are generally above twenty to one to what the others are, abounding with all manner of Conveniences and Pleaſures of Life; or does but conſider the happy Condition that *Greece* and a great number of other Places enjoy'd when they were Free States, and what they now ſuffer; or has but read Biſhop *Burnet*'s Remarks on *Italy*, *Rome*, and *Switzerland*, muſt be convinc'd, That it is not the Intereſt of a Nation to let their King be Arbitrary; and that they cannot pay too dear for preſerving their Liberties. In making themſelves Abſolute, Kings act againſt their own Safety, as well as the Good of the People, becauſe a mixt Government is not only beſt for the Subject, but for the ſecurity of Kings, they being oftner depos'd and murder'd (as all the Hiſtories of the World do teſtify) in Abſolute than in Limited Monarchys. *Miſeries of Abſolute Government.*

Can any one think that the *United Provinces* (in ſpite of the long War they had to maintain their Privileges) are not as Populous, Rich and Potent, and upon all accounts in as flouriſhing a Condition as they would have been, had they been poſ-

ſeſs'd with the Doctrine of Paſſive Obedience, and tamely ſubmitted to the Encroachments and Arbitrary Power of *Spain?*

Had the Doctrine of Paſſive Obedience been all along practis'd, Mankind would have been in a more ſlaviſh Condition than any now are, that live under the moſt Tyrannical Governments; it is the Fear that People may by ill uſage be provoked to violate this Doctrine, that keeps the greateſt Tyrants within ſome bounds, and makes them govern more mildly and moderately than otherwiſe they would. It is, I think, no great Argument of the Goodneſs of an Opinion, when the not obſerving it, or even the very probability of breaking it, has preſerv'd Mankind in a much better condition than they would have been, had the Supreme Powers been certain, that that Doctrine would have been inviolably obſerv'd.

England a free Nation.

The *Engliſh*, who are the freeſt Nation in the World, cannot conſider the Happineſs they enjoy, in compariſon of thoſe that live under Abſolute Monarchies, without having a juſt Veneration for their Noble Anceſtors, who have (tho not without the expence of their beſt Blood) ſecur'd to them thoſe Liberties they now enjoy: And the preſent Age would have ſtrangely degenerated, had they not been as zealous to tranſmit the ſame down to their Poſterity.

Moſt of the *European* Nations were once Maſters of the ſame Freedom the *Engliſh* ſtill enjoy. Thoſe great Swarms of People that came out of the North, and ſubdu'd moſt part of *Europe*, upon ſettling themſelves in the Countries they conquer'd, made their Generals Kings, and their chief Officers their *Concilia Magna*, or *Parliamenta*, without whoſe Conſent no Laws were made, or ſcarce any thing of Importance done: Which Government the *Engliſh* have beſt preſerv'd, being a Nation too tenacious of their Liberties to be complemented out of them; and (as they to their Coſt have found, who have attempted it) of too great Courage to be forc'd out of them.

It cannot then juſtly be concluded to be againſt the publick Good of the Nation, to oppoſe Arbitrary Government, becauſe more Lives might perhaps have been loſt by it, than by the tyrannical Government of all the Kings ſince the Conqueſt; becauſe thoſe Kings were not abſolute, and when they endeavour'd to be ſo, were always oppos'd. But had it not been thought lawful to oppoſe them, and they had been as abſolute as the Doctrine of *Paſſive Obedience* would have permitted them; I would ask whether then (for that is the true ſtate of the Queſtion) the Nation would have been as populous and as rich as it is at preſent by preſerving its Liberties, and oppoſing all Uſurpation? There is, I think, no reaſon to doubt, if Arbitrary Government had prevail'd, but that the Country would have been reduc'd to as poor and as beggarly a Condition, and would as much have been depopulated as any Province under the *Turkiſh* Empire.

Conſent of the Nation at the Revolution.

There can be no greater Argument than the univerſal Conſent of the Nation, that what they ſo unanimouſly concurred in, was not againſt their Common Good; and nothing but a Danger as univerſal as it was great, could make all People ſo deſirous of a Revolution: And there could be no Pretence from the Publick Good of not reſiſting, when Slavery it ſelf was not the End, but only in order to extirpate an Heretical Nation, which all Popiſh Princes by their Religion are oblig'd to do; and there was no reaſon to ſuppoſe the late King (had not the Deſign been ſo notorious) leſs zealous than his Neighbours. *Where it is notorious that a King has a Deſign to enſlave the Nation, there can be no great danger in oppoſing him*; becauſe it is impoſſible for him (the Lands and Riches being in ſo many hands) to be able to influence ſo great a number of the Gentry and Nobility, as ſhall be ſufficient to oppoſe the Common Intereſt.

There is nothing more pernicious to Government, than to encourage thoſe that publiſh ſuch Doctrines as tend to deſtroy the Rights and Privileges of the People; who are quick-ſighted enough to find out the weak ſide of ſuch Arguments as tend to their hurt: and it makes them ſuſpicious that ſome ſudden Deſigns are carrying on againſt them, and prepares their Minds to receive any ill Impreſſion againſt the Government. What happen'd in King *Charles* the Firſt's Time, is an undeniable Inſtance of this, where the encouraging and preferring almoſt none but ſuch as preached that ſenſleſs Doctrine, created ſuch Jealouſies, Fears and Miſtruſts in the Minds of the People, of whom too many were irritated by Perſecution *(for Paſſive Obedience and Perſecution, like Brethren in Iniquity, go hand in hand)* that nothing but the Ruin of that Prince could ſatisfy their Jealouſies. This Doctrine had like to have produc'd a more fatal Conſequence in his Son's Time, by encouraging him

(who

(who had the weakneſs to think, that thoſe who when uppermoſt were Bigots for it, would ſubmit to it when they themſelves came to ſuffer) to invade the Rights and Liberties of the People.

CHAP. III.

Of the Publick Good.

THE Conſideration of *the Publick Good*, which is *the Supreme Law* by which both King and People ought to guide their Actions, does oblige Subjects to obey in all things that are in the leaſt diſputable, and even to acquieſce in whatever a King does, if in the whole he promotes the Publick Good. It is not barely the breaking a Law, or ſtretching the Prerogative in this or that Point, can do any great Miſchief, except it be done with a deſign to ſubvert the Liberties of the People, and eſtabliſh Arbitrary Government. In many Caſes, the Good of the Whole may require the Laws to give place to the executive Power, becauſe it is impoſſible upon the account of the infinite variety of Accidents and Circumſtances that attend human Affairs to foreſee, and by Laws to provide for all the Neceſſities that concern the Publick: Laws can only reſpect what does generally happen; there muſt be a vaſt number of Particulars, where a rigid obſervation of Law muſt be hurtful; and it will be neceſſary that a Power to diſpenſe with the Penalties of the Laws ſhould be lodg'd with the King, whoſe Power cannot be too large if he uſeth it for the Publick Good. *The Supreme Law.*

The only Enemies to the preſent Government, at leaſt amongſt the Proteſtants, are *the Aſſertors of Paſſive Obedience*; who tho they think it for the Publick Good to ſuffer a King to enſlave a Nation, rather than oppoſe him, yet are ſo abſurd as to think they are oblig'd in Conſcience to diſturb the Government that protects them, and raiſe a Civil War (tho the Conſequence ſhould be ever ſo fatal) to reſtore a Prince, whoſe Return would, if the War did not, compleat the Ruin of the Nation. The falſeneſs and abſurdity of which Opinion I ſhall endeavour to make manifeſt; and to ſhew, That it is the *indiſpenſable Duty of all that are protected by a Government, to bear true Faith and Allegiance to it.* *The Enemies of the preſent Government.*

I ſuppoſe I need not ſpend many words to ſhew the abſolute Neceſſity of Government, for the Good and Well-being of Mankind; or that it was for no other Reaſon that Men parted with their Liberties (for what elſe could be an Equivalent?) but for the mutual Defence and Security which they receive by Government, which is the ſole Deſign and End of all Laws, Puniſhments and Rewards. As this Reaſon was at firſt the ſole Motive for ſubmitting to particular Perſons, ſo it is the only Reaſon ſtill for continuing Allegiance to them; and when this Reaſon ceaſeth, natural Liberty does return, and then Men are oblig'd, for the ſake of their own ſafety and preſervation, to pay Allegiance where it is moſt for their Intereſt and Advantage.

Obedience is due to Government, and not to the Perſon that governs, but upon the account and for the ſake of it; otherwiſe People might be oblig'd to pay Allegiance to a King after he had reſign'd his Regal Office. *It is impoſſible for a King to loſe his Government, and not loſe the Allegiance of his Subjects, becauſe they are Relatives*; and according to the nature of all Relatives, one cannot ſubſiſt without the other.

Natural Relations, as that between Father and Son, laſt as long as both Parties live; but artificial ones (if I may ſo term them) as thoſe between Maſter and Servant, King and Subject, may be deſtroy'd during their lives; and when theſe Relations ceaſe, all Obligations on both ſides ceaſe. The Relation between Sovereign and Subjects is deſtroy'd, when the Sovereign will no longer protect his People, and ſo freely withdraws from the Government; or when he is depriv'd of the Power of protecting them, and ſo is driven from his Government; which, as to the People (for whoſe ſake Government was inſtituted) has the ſame effect: and they equally loſe that Protection and Defence for the ſake of which alone Allegiance is paid, whether the Sovereign will not or cannot any longer govern them, and is forc'd to leave his Government in the hands of others, whereby thoſe that were his Subjects are as incapable of paying him Allegiance, as he is to protect them; *Natural & Civil Relations diſtinct.*

them; and the ſame Force that will juſtify his leaving them, will equally juſtify their transferring their Allegiance. And ſince no Society is able to ſubſiſt without having Juſtice adminiſtred, and enjoying thoſe other Bleſſings that are deriv'd from Government; either they muſt by living without Government become a Prey to every one, or elſe there is a Neceſſity of preſerving themſelves by paying Allegiance to the new Government.

If Obedience were due purely to the Title, Subjects would be very great Rebels in refuſing to pay Obedience to a Madman with a legal Title, and in placing another in the Throne: What other reaſon can be aſſign'd for removing him, but that the Good of the Commonwealth requires Obedience to be paid to a Perſon that can protect them? which ſince a Madman cannot, it is their Duty to pay Obedience to another that can. Is not a Perſon that has loſt his Government, as unable to protect the People, as he that has loſt his Senſes? And would not the indeavouring to reſtore him by violent Means, be more pernicious to the Publick, than ſuffering a Madman in the Throne? For tho the Incapacity proceeds from different Cauſes, the one being a Natural, the other a Moral one; yet the Reaſon, the publick Good, is the ſame, for not endeavouring to reſtore one, as it is for depoſing the other.

Government for the good of the People.

Tho the next of Kin may have a Right to be Guardian to a Minor, yet if admitting him would prejudice the Affairs of the Minor, he ought to be deny'd that Right; or rather that Right ceaſeth, becauſe it is againſt the Intereſt and Advantage of the Minor, for whoſe ſake alone he was appointed Guardian. So in Matters of *Government (which is an Office that had no other grounds for its being inſtituted, but the Good of the People, who are always in their Minority*, and ſuch Sovereign Curators are conſtantly neceſſary for the Management of their Affairs) any particular Perſon's Right to that Office muſt ceaſe, if he cannot be admitted without great prejudice to the Minors. And as the number is diſproportionate between one and a whole Nation, and as the Lives of a number of Perſons are to be valu'd before the Intereſt of a ſingle Minor; ſo much ſtronger will the Argument hold in behalf of the People, and the greater will the Crime be in attempting to admit any Perſon into that Office, when it cannot be done without involving the Nation in manifeſt Ruin.

Therefore in moſt caſes, where one King has Power enough to turn another out of his Kingdom and get into his Throne, it is highly probable he will be able to keep it againſt any Oppoſition from the Perſon he conquer'd: So that they who ſet up for his Intereſt, expoſe themſelves to certain Ruin and Deſtruction. But tho it might ſo happen that they might ſucceed in the Attempt, yet ſince it could not be done without a manifeſt Injury to the Nation, by diſturbing the Peace and Quiet of it, by cauſing the Effuſion of ſo much Blood, Rapine, Deſolation, and thoſe intolerable Calamities which Civil War does produce, it would be ſo far from being a Duty, that it would be a Sin of the firſt Magnitude to attempt it; it would be contrary to the greater and prior Obligation which they owe to the Publick.

For none can have a Right inconſiſtent with *the Publick Good*, which *is the only fundamental Law of all Societies*; contrary to which, no Law (and conſequently no legal Right, which is built upon Law) can be valid; to which, as to a Center, each Man's Actions ought to tend, becauſe the more univerſal any Good is, the more it ought to be imbrac'd; and *Societies could not ſubſiſt, but muſt neceſſarily fall into a State of War and Confuſion, if every Man ſhould prefer the Advantage of any particular Perſon before the Good of the Whole.*

No Right againſt Publick Good.

As every particular Perſon's Intereſt muſt yield to the general Good of the Society, ſo muſt that of a particular Society ſubmit to the more univerſal Good of all Societies; and no Principles can be true (however they may ſerve a particular turn) that if generally practis'd, would be againſt the Good of all Societies: but nothing can be more deſtructive and pernicious to all human Societies, than thoſe Principles which aſſert that Allegiance muſt be only paid to him that hath a legal Title; becauſe it muſt oblige vaſt numbers in all Revolutions to be deſtroy'd for the ſake of a ſingle Perſon, rather than ſubmit to another who is in the ſame Station, and by whoſe Power they might be govern'd and protected.

It is a Doctrine of moſt dangerous Conſequence, and if embrac'd would deſtroy the beſt part of Mankind, and fill the whole World with Blood and Confuſion: for in ſuch Revolutions (which frequently happen) what Government will ſuffer its Enemies (the more, ſtill the more dangerous) to enjoy equal Privileges with its dutiful Subjects? thereby enabling them to deſtroy that Government, which by all Ties of

of Conſcience they muſt think themſelves oblig'd to, as Subjects to its Enemies.

The Safety and Quiet of their peaceable Subjects, as well as Self-preſervation, will oblige the ſupreme Powers to extirpate them; for it is impoſſible for Men of theſe Principles, if they act accordingly, to live quiet under a Government which they ſuppoſe has no legal Right, becauſe their Actions are not in their own Power, but in that of the diſpoſſeſs'd Prince, who has the ſame indiſpenſable Right to command them, as he had before he was outed of the Throne. Therefore they are oblig'd, whatever they promiſe, or whatever ſpecious Pretences they make, to act contrary to them, when either his Intereſt or Commands do require it.

Can it be ſuppos'd, that when Men ſubmitted to Government (becauſe it was abſolutely neceſſary for their Preſervation) that they ſubmitted on ſuch Terms, as ſhould oblige them in ſo many Caſes to run into thoſe Inconveniences which they deſir'd to ſhun, rather than live in peace and quiet under a Government which does actually protect them?

Nothing can juſtify ſuch Principles, except the *Miſery* and *Deſtruction*, not the *Preſervation* of human Societies, be the *Supreme Law*; or that it is a Sin to act for the general Good of a Society, and a Duty in the People to expoſe themſelves to certain Deſtruction, rather than act for their own Good, in a Matter which was ſolely inſtituted for their Good.

The ridiculous Pretences of the Jacobites.

A Man may be oblig'd to ſuffer rather than act againſt his Duty; but that he ſhould be oblig'd to ſuffer rather than do his Duty in promoting the general Good of the Nation, is to me a ſtrange Paradox. If it be a Duty to act for the Publick Good, and the general Intereſt of a Society; and if the more univerſal the Good be, the more it ought to be ſought for; then the Means that are neceſſary to this Duty, or End, muſt be as neceſſary as the End it ſelf, becauſe the End preſcribes the Means.

So that if the paying Obedience to the preſent Government be for the Good and Happineſs of the Nation, it muſt be a Duty in every one to do it; and on the contrary, if endeavouring to diſturb the preſent Settlement, and to reſtore the late King be (as I think no Proteſtant can doubt) to the Diſadvantage, and againſt the Good and Intereſt of the Nation, it muſt be a Sin. And can there be more dreadful Conſequences (than what in all human Probability, muſt happen upon unſetling the preſent Government) to our Eſtates, Liberties and Lives, and what ought to be dearer than all, to our Holy Religion? Except Popery, and *French* Tyranny, which include in them Slavery both of Body and Soul, are to be courted at the expence of a Civil War.

The paying Obedience to thoſe that are in poſſeſſion, is a Doctrine that tends ſo much to the Intereſt of human Societies, and of all the particular Members thereof, that even thoſe who oppoſe it, if they conſulted their own Happineſs, muſt wiſh it were true; and what greater Argument can there be of the Truth of it, than that it is ſo conducive to the Good of Mankind?

And that common Objection, or rather Reflection, That it is Intereſt makes theſe Tenets, which require Obedience to the preſent Government, ſo univerſally imbrac'd, (howſoever it be uncharitably deſign'd) is ſo far from deſtroying the Credit of them, that it is a Demonſtration of their Truth; becauſe they are for the good of Particulars, of which the Publick is made up.

CHAP. IV.

Of God's Laws.

THE Publick Good of Societies is not only the Foundation of all human Laws, (upon which all Legal Rights depend, which ceaſe to oblige, and are null and void, when contrary to it) but is even the Foundation of God's Laws, which concern Men with relation to one another.

Publick Good the Foundation of Divine Law.

For God, who is infinitely happy in himſelf, could have no other Motive in creating Man, but to make him happy in this Life, as well as that which is to come; and accordingly if Mankind would follow thoſe Rules that are preſcrib'd by God in order to their Behaviour towards one another, in what a happy, bleſſed, and flouriſhing

ing State would they live? And what Miſery and Confuſion even in this Life does deviating from thoſe Rules create, beſides the Puniſhment they receive in the Life to come, for acting againſt their good in this? Do not the Circumſtances, as they tend to the Advantage or Diſadvantage of human Societies, make things good or evil? And are they not the only Rule to judg of God's Laws by? As for inſtance, the Commandment declares in general Terms it is not lawful to kill; yet it is a Duty in the Magiſtrate to kill, becauſe it is for a Publick Good, which is the only Rule by which to diſtinguiſh between Murder and Juſtice. Even a private Perſon may kill in his own Defence; and ſuch a Liberty is for the Publick Good: nor do Chriſt's Precepts, which forbid all manner of Revenge, and require forgiving of Injuries, hinder any from puniſhing thoſe that injure them by legal Courſes; becauſe the puniſhing them tends to promote the publick Intereſt of Mankind.

It is unlawful to take what is anothers without his Conſent; yet if it be for the Common Good, it is not only lawful, but a Duty, as blowing up of Houſes in caſe of Fire againſt the Conſent of the Owner, or digging in a Man's Ground to prevent an Inundation. If a Ship be in danger to be loſt, it is the Duty of thoſe that are in it, in order to preſerve the Ship, to throw any Man's Goods overboard, tho contrary to his Conſent; and if a Ship wants Water, ſhe may lawfully, even by Force, take ſome from another Ship, if that Ship in all likelyhood hath enough to carry her to the next Watering-place.

Caſes of neceſſity. In caſe of Neceſſity it is lawful for a private Perſon to take from another what is neceſſary for his Subſiſtence, if he whoſe it is, be not in the ſame want; nay, even what is devoted to God in ſuch caſes it is lawful to take: and Chriſt makes *David's* eating the conſecrated Bread, an Argument *a fortiori*, to juſtify what his Diſciples in their Hunger took from Man. In ſuch caſes the natural Right of Self-preſervation returns, and tho People are ſometimes puniſh'd for taking from another in their Neceſſities, yet that does not prove it unlawful: but the Puniſhment is inflicted only to prevent a gap being laid open to Libertiniſm, which would be inconſiſtent with the Publick Good and Convenience; for the ſake of which a Perſon ought ſometimes to ſuffer, tho it be undeſervedly.

What is more inviolable than a Promiſe to return what one is intruſted with? Yet none are oblig'd to return a Sword to that Perſon who deſigns to attempt his own Life, or that of another; much leſs ought we to endeavour to give any one the Power of the Sword, tho he has ever ſo much Right to it, if the Attempt would prove fatal to a great number of Lives, and contrary to the Good of the Society, for whoſe ſake alone he has that Right: nor can any one be oblig'd to ruin or prejudice a Society for the Right of a particular Perſon, when the Right which that Perſon has, was only for the Preſervation of that Society. What is more ſacred than Truth? Yet even that is diſpens'd with, when it is evident the contrary is for the Good of thoſe to whom it is ſpoken, and no prejudice to any other Perſon, as in the caſe of melancholy and ſick Perſons, and Children, or ſuch like Inſtances. If Untruths were forbid, not becauſe they were Injuries, but barely becauſe they are Untruths, all Parables, Fables and Novels would be unlawful.

What can be more unjuſt than to take away the Life of an innocent Perſon? Yet if it be for the publick Good, it is ſo far from being unjuſt, that it is a Duty in thoſe that have the Publick Adminiſtration of Affairs to do it. And all Governments act no other ways, when by Force they compel innocent Perſons to the Wars where it is unavoidable, but that great numbers muſt be ſlain: Tho it ſeldom happens to be for the Good of a Society that an innocent Perſon ſhould ſuffer, yet the only thing that Government looks after in puniſhing, is the common Good, and it may juſtly cauſe an innocent Perſon to ſuffer, if it be for the general Good; becauſe the leſſer (the particular) which is then conſider'd *ſub ratione mali*, muſt give place to the greater, the general Good. Not only the Publick, but a private Perſon has a Right to take away the Life of an innocent Perſon, if he cannot otherwiſe preſerve his own. And moſt Caſuiſts are of Opinion, that a Man (if parting with his Life ſhould happen to be beneficial to the Publick) ought, as *Codrus* did, freely to lay it down; but they all agree, that a Man ought to part with any thing that is leſs than Life, or not endeavour to recover what he has been depriv'd of, if he cannot do it without Detriment to the Publick, much leſs ought any to aſſiſt him in the Recovery.

When it is not unjuſt for an innocent Perſon to ſuffer.

In ſhort, There is no Law that wholly relates to Man, but ceaſeth to oblige, if upon the infinite Variety of Circumſtances which attend human Affairs, it happens to be contrary to the Good of Man.

But

But in things of a higher nature, and which are Moral in themſelves, and relate to the Worſhip and Honour of God, it is not lawful upon pretence of temporal Intereſt, to diſpenſe with any of thoſe Duties, becauſe it is not lawful to do Evil that Good may come; and the temporal Good, which is the leſs, ought to give place to the greater, the Eternal: Tho even in theſe caſes, things which relate to God's Worſhip, if merely poſitive, muſt yield to the Good of particular Men, becauſe they are (as Chriſt ſpeaks of the Sabbath) made for Man, and not Man for them. But in things deſign'd for the temporal Intereſt of Mankind, the ſtandard of Good and Evil is the Publick Good; and things are commanded or forbidden, as they are either good or hurtful to Mankind: and what in ſome Circumſtances may be a Duty, in others, if it prove inconſiſtent with the Publick Good, would be a Sin, and the contrary a Duty; and then acting for the Publick Good, would not be doing Evil that Good might come of it, but by the Circumſtances altering the Caſe, it would ceaſe to be Evil.

The Intent of all God's Laws.

The Deſign, End, and Intent of all God's Laws, is the Worſhip or Reverence that is due to the Deity, and the Love that is due to Man. The Love of God and ones Neighbour, our Saviour ſaith, are the two Grand Commandments, on which hang all the Law and the Prophets; and in a much more eminent manner does the Goſpel, whoſe Precepts, as they teach the mutual Duty of Man towards Man, are nothing but Love and Charity. So that it is evident, that no Doctrine can be true that is in the leaſt inconſiſtent with theſe two Commandments, the Love of God and of ones Neighbour. But how can he be ſaid to love his Neighbour (which is an indefinite word, and carrieth the ſenſe of an univerſal) who will have vaſt Numbers ſacrific'd to the Intereſt of a ſingle Perſon? Or how can it be preſum'd, that God, who has declar'd he is no Reſpecter of Perſons, and has made all Men by Nature equal, ſhould act ſo inconſiſtently with himſelf, as to require that great Numbers ſhould loſe their Lives, and be expos'd to all manner of Miſery, for ſo inconſiderable a trifle, as the advancing a ſingle Perſon to a Poſt, which is attended with as great Cares and Troubles, as Honours and Riches; or that he ſhould preſcribe about Government (which could have no other ground for its Inſtitution but the Good of the Society) I ſay, that he ſhould preſcribe ſuch Rules, as in moſt Revolutions muſt tend to their Ruin and Confuſion?

CHAP. V.

Of the Law of Nations.

UPON this Foundation of the General Good of Societies, have certain Rules and Cuſtoms been obſerv'd by Nations in their Intercourſe with one another, which are call'd the Law of Nations (without which no Correſpondence either in Peace or War could be maintain'd) which only by the tacit Conſent, and general Practice of Nations, upon the account of their evident Utility, and common Profit, have obtain'd the force of Laws, and are look'd on as ſacred. The Supreme Powers, neither by themſelves, nor Repreſentatives, ever met, or enacted ſuch Laws; nor have other Nations Power to oblige any Sovereign Independent State, which cannot be bound to obſerve theſe Cuſtoms, or Practices, but as they tend to the general Good and Advantage of all Societies.

Laws of Nations grounded on the general good of Societies.

Every Nation is at liberty to appoint what Government, Laws, *&c.* or manage its own Affairs within it ſelf, as it thinks beſt. The Laws of Nations relate only to their Commerce and Correſpondence one with another; and Princes are no other way concern'd by the Law of Nations with one another, but as they have the Power of making Peace or War, and all other Leagues for thoſe Nations they rule.

It is not at all material what Right they have to this Power, it is ſufficient the Nations own them for their Sovereigns, and have intruſted them with this Power: It would be an endleſs, as well as uſeleſs Task, for Ambaſſadors before their Admiſſion, to prove the juſt Right their Maſters have to thoſe Titles and Powers they aſſume to themſelves.

All Treaties, except they appear to be merely perſonal, tho made with Uſurpers, will oblige legal Princes, if they ſucceed, and ſo *vice verſa*; and a League

made with a Nation, when under a King, will oblige that Nation (provided they continue free) tho the Government ſhould be chang'd to a Commonwealth, becauſe Leagues are National, and made with Princes only upon the account of the Nations they are Repreſentatives of. But when they loſe this Power, and the Nations are no longer concern'd in their Acts, they loſe all manner of Right that did belong to them by the Law of Nations; becauſe theſe Privileges are (as *Grotius* calls them) *bona Regni*, and did belong to them only as they were the publick Perſons, or Repreſentatives of their reſpective Nations, which when they ceaſe to be, they have no more Right to them, than they had before they were theſe publick Perſons.

But becauſe the ſame Intercourſe between Nations will always be neceſſary, which cannot be maintain'd, but with thoſe who have the ſupreme Power; and they that have that Power, muſt have a Right to thoſe Privileges, upon the account of the Nations they repreſent; and the diſpoſſeſs'd Princes muſt with their Kingdoms loſe their Right to them, becauſe more than one at the ſame time cannot have the ſame Right to the ſame Nation: And tho ſome Princes (out of deſign or hatred to their Enemies) may allow outed Princes ſome of thoſe Privileges that belong only to thoſe that have *Summum Imperium*, yet they have no Right by the Laws of Nations to claim them, but they, as well as thoſe that follow their broken Fortunes, can be eſteem'd no other than Subjects, during their ſtay, to thoſe Kings in whoſe Dominions they abide; where they are ſo far from having a Power of making Peace or War, or any other National Contracts, that they cannot, without Licence firſt obtain'd from thoſe Princes in whoſe Dominions they are, ſend any to treat with other Princes, or receive any ſent by them; much leſs allow them thoſe Privileges which are due to Perſons of a publick Character. And it would be unreaſonable that Sovereigns ſhould be oblig'd to allow them, or any ſent by them, thoſe Privileges, when they are incapable of returning the ſame. And with as little reaſon can any Prince in anothers Dominions, pretend to grant Commiſſions to private Men of War, to diſturb the Trade and Commerce of any Nation, becauſe he cannot claim in another Prince's Territories a Power (which can only belong to the Sovereignty of thoſe Dominions) to judg, condemn, or reſtore, according to the Maritime Laws, the Ships and Goods which are taken by thoſe that act by his Commiſſion. So that the Privateers themſelves would be their own Judges, whether what they take was lawful Prize, which in effect would be a Power to rob whom they had a mind to. Therefore by the Law of Nations, all who act by ſuch a Commiſſion, are eſteem'd as Pirates.

CHAP VI.

Of the Obligation of Human Laws.

ALL Writers allow, That the Leagues and Contracts which Princes make with one another, do oblige them to one another, no longer than they are in poſſeſſion of their Kingdoms, becauſe the ſole reaſons of making theſe Leagues were upon the Power each Kingdom had to afford mutual Aſſiſtance and Benefit to one another. And if this be a conſtant Practice with Kings, that their Treaties oblige them no longer than while each King has poſſeſſion of his Kingdom; Why will they not allow the ſame reaſon to hold for Subjects, that they ſhould be free from all Obligations to Princes, when they no longer receive any Protection from them? Seeing that was the only ground and ſole cauſe of their paying them Allegiance; and in truth they cannot be any longer oblig'd, than the Reaſon for obliging them holds: For why ſhould People be oblig'd, when there is no reaſon they ſhould be ſo? No Laws can bind any longer, than the Reaſon for enacting them holds good; and when the ſole Reaſon that made them Laws, ceaſeth, the Laws themſelves muſt ſo too; much more muſt any particular Law be null and void, when not only the Reaſon of keeping it ceaſeth, but the keeping it does thwart the general Intent and Deſign of all Laws, which is the Good and Happineſs of the Societies, to which all Laws are but means: and there is no reaſon that the Means ſhould oblige, when the End for whoſe ſake the Means were ordain'd cannot be obtain'd by thoſe Means, much leſs when they become deſtructive of the ſole End for which they were ordain'd.

How far human Leagues and Contracts oblige.

If

If there were a Law that Ships ſhould ſail on ſuch a ſide of the Channel, and the ſole reaſon, whether expreſs'd or not, were for avoiding the dangerous Sands that were on the other ſide; if the Sands ſhould chance to be remov'd to the ſafe ſide of the Channel, the Pilot would be ſo far from being bound upon the account of that Law, to run his Ship upon the Sands, that he would break the Law if he kept to the Letter of it, and would obſerve the Law by going contrary to the Letter. So again, if a Law, that requir'd Obedience to one particular Perſon, ſhould happen to be deſtructive of the publick Good, and of fatal conſequence to the Community, the Letter of the Law would oblige no more in one Caſe than in the other; nay, the reaſon of not obſerving the laſt would be ſtronger upon the account of the diſproportion of the number: But the true meaning and intent of the Law would in one caſe as well as the other, oblige People to act contrary to the Letter of the Law; and People would be as much bound to pay Obedience, where it would be for the publick Good, as in the other Caſe, the Ship would be to ſail on the ſafe ſide of the Channel. *Simily from Pilots.*

The occaſion of not a few Miſtakes in this important Controverſy, ariſeth from Mens judging by the ſame Rules (tho the Reaſons are extremely different) in Caſes which concern the Supreme Powers, as they do in thoſe which relate to private Perſons. In Caſes between private Perſons, there is a Superior to decide all Controverſies, and to do Right and Juſtice; for which end he was made their Superior: So that if any one by Fraud or Violence poſſeſſes himſelf of another's Right, the Law is open, and redreſs may be had without any Danger to the Publick; nay, *The publick Safety conſiſts in having private Mens Wrongs redreſſed.* *Concern of the ſupreme Powers differs from Caſes of private Perſons.*

But as to the Supreme Powers, whatever Right or Titles they have, People are oblig'd to ſubmit to thoſe in poſſeſſion, becauſe there is no ſuperior Court (as in caſe of private Perſons) to judg of their Rights; and Poſſeſſion, by all Laws, gives a Man a Right, till he be legally diſpoſſeſs'd: and if a Man cannot be turn'd out by courſe of Law (as 'tis evident he that is in poſſeſſion of the Government cannot) he ought ſtill to enjoy what he poſſeſs'd. For it is againſt the Nature of all Civil Societies to appeal to the Sword, to prevent which they were inſtituted: Beſides, Force can never decide civil Controverſies, nor can the Sword be a proper Judg of Wrong or Right; it can only determine who is the ſtrongeſt, not who has the beſt Cauſe: and the pretended Remedy would be infinitely worſe than the Diſeaſe; for Civil War, as long as it continueth, deſtroyeth all Civil Rights.

If the next Heir, whether Brother or Son, ſhould get poſſeſſion of the Government by murdering his King, the People (inſtead of giving him that Puniſhment which by the Law of Nature, and God's poſitive Law, is due to ſuch Crimes) are oblig'd to pay him Obedience, to which he can have no other Right but Poſſeſſion; for whilſt his King was alive, and in poſſeſſion of the Government, he could have no Right: and certainly an Action ſo barbarous as murdering him that was (ſuppoſe) both his Father and King, which is againſt all Right, Law and Juſtice, could never give him any Right or juſt Title, becauſe it is againſt all Conſcience and Reaſon, that a Man ſhould reap any Advantage by an Act ſo monſtrouſly wicked; and any Law that ſhould allow a Man any Benefit by ſo enormous a Crime, would be as ſinful it ſelf. Nor can a Man in any other Caſe reap any Advantage by his own Turpitude; but here, becauſe there is no Superior to puniſh him, nor can Obedience be refus'd him without Injury to the publick, it is Peoples Duty, inſtead of puniſhing him, to pay him Obedience. And certainly the ſame Reaſon will hold for paying Obedience to any that get poſſeſſion of the Government, ſince none can get it more unjuſtly. *Heir in poſſeſſion.*

All legal Rights muſt depend upon the Laws, and all Laws, for their Authority, upon the Government; and when that Government is at an end, all the Laws that concern it muſt be ſo too, and can no more oblige than the *Engliſh* Laws can in a Foreign Country; becauſe a Power to put Laws in Execution (whereby People are protected) is eſſential to all Laws, becauſe it is eſſential to all Government, on which the Laws depend; and without ſuch a Power no civil Society, and by conſequence no civil Laws can ſubſiſt. *Legal Rights depend on Laws.*

No particular Law can bind in thoſe Circumſtances, where all Laws would ceaſe to bind; and there is no reaſon that ſome Laws ſhould oblige, when all Laws would have no Obligation, as they would not oblige if there were no Power to put them in Execution; becauſe Men, when there is no Power to reſtrain them from acting as they have a mind to, would be in the ſtate of Nature, and conſequently without any Laws but thoſe of Nature.

Without a coercive Power, the Laws become a dead Letter, or at beſt but Advice; ſo that there can be no Laws that can oblige People to act againſt the preſent Powers, becauſe by being againſt the preſent Powers they ceaſe to be Laws.

If a Law that ſhould oblige People not to pay Obedience to the actual Poſſeſſors of the Throne, had they not a legal Title to it, were not in its own nature null, or could ſubſiſt after that Government to which it requir'd Obedience, was deſtroy'd, it would be void upon account of its Impiety; becauſe as long as the legal Princes continue diſpoſſeſs'd, which might extend to ſome Centuries, it would overturn all Government, and all Civil Society, which are inſtituted for the Good of Mankind, and which Nature hath qualify'd Man for, by making him a ſociable Creature.

Can any Man in his Senſes think, that a particular Prince's Intereſt can ſtand in competition with the very Being of human Societies, and the Preſervation and Safety of the People? Is it not abſurd to ſuppoſe, that legal Rights that owe their Being to Civil Societies, ſhould oblige People to put an end to Civil Societies; and that Laws, which are but the Rules of Government, ſhould deſtroy Government it ſelf; or that human Laws ſhould be able to deſtroy the Law of Nature, or take away that natural Right which People have to act for their own Good and Preſervation, which is a Right ſuperior to all human Laws, and for the ſake of which all human Laws were made?

Caſes of Neceſſity do not oblige to Obedience.

All human Laws are made *cum ſenſu humanæ imbecillitatis*; nor do Legiſlators themſelves deſign they ſhall oblige in caſe of great and preſſing Inconveniences, but allow that a moral Neceſſity does deſtroy the Virtue and Force of them.

The Good and Intereſt of the People is the ſupreme Law, to which the Rights and Titles of Princes muſt ſubmit; and where it is for the good of the Nation that they ſhould be govern'd by ſuch a particular Perſon, that Perſon has the beſt and moſt legal Right, becauſe it is built upon the ſupreme and fundamental Law of all Societies. And whoever deſignedly breaks this moſt ſacred Law, may juſtly be accounted a Rebel: And as the Crime would be greater in them than others, if they who are hir'd by Travellers to protect them from Robbers, ſhould rob them themſelves; ſo if Princes, who are intruſted by the People with Power, in order to protect the Society, ſhould make uſe of that Power to the Detriment of the Society, the Crime in them would be ſo much the greater, by how much more they are oblig'd to act otherwiſe.

CHAP. VII.

Objections anſwer'd.

Object. *UPON ſuppoſition that the Good of the Society is the grand ultimate Law, yet theſe Principles, which require Obedience to the Poſſeſſor, cannot be true, becauſe they are againſt the Peace and Happineſs of Nations, by incouraging Rebellion againſt all Princes, in obliging People to pay the ſame Allegiance, even to thoſe that unjuſtly depoſe them.*

No Rebellion incourag'd by the Revolution Principles.

Anſw. Theſe Principles are ſo far from being deſtructive to the Peace and Quiet of Nations, or incouraging Rebellion againſt their Governors, that they require Obedience to all in poſſeſſion, upon pain of Damnation; but if neither the Fear of eternal Puniſhment in the Life to come, nor the ſevereſt that can be inflicted upon them in this, can ſecure People from rebelling, I muſt confeſs my Ignorance, I know nothing that can. It is the Duty of all Subjects to do their utmoſt to defend the Government; that is but a juſt Return, and what is due for its protecting and defending them: But if by the Chance of War, or any other way, it ſhould loſe the Power of protecting them, they are not oblig'd to have their Throats cut, rather than pay Allegiance to that Government, by whoſe Favour and Protection they ſubſiſt, and enjoy what they have. And that Prince is very unreaſonable, and acts againſt the Rules of Humanity, as well as Charity, who when he is able no longer to protect the People, would rather have them deſtroy'd, than own that Government that can.

Nothing can juſtify ſuch an inhuman and barbarous Opinion, except it can be prov'd that Men entred into Societies barely for the ſake and intereſt of a

a ſingle Perſon; and that if his Pleaſure or Profit require it, Millions of Lives muſt be indiſpenſably ſacrific'd. This is to place Men in a worſe Condition than the Beaſts, are if they are in Conſcience oblig'd to loſe their Lives to gratify the unlimited Pride, Ambition, Revenge, or Intereſt of a ſingle Perſon.

It is ſtrange that any *Engliſhmen*, who are the freeſt Nation in the World, ſhould have ſuch Notions of themſelves, that they are no other than the King's Properties: Tho it is but reaſonable that Men who deſign to bring the moſt inſupportable Slavery on themſelves, ſhould qualify themſelves for it by Notions and Principles ſo much below the dignity of human Nature.

Theſe Principles are ſo far from being any ways prejudicial to Mankind, that it is they alone which in all Revolutions can ſecure human Societies, and make Governments eaſy and ſafe both to Kings and Subjects, by putting an end to thoſe otherwiſe endleſs Diſputes of Titles. And Princes may without Fears or Jealouſies mind the publick Good, becauſe it ſecureth them who are in poſſeſſion againſt all Pretences.

The moſt that can be objected is, that a Prince that has once loſt his Dominions, may by theſe Principles chance to loſe the hopes of ever recovering them again.

A Prince that is unjuſtly expel'd, ought to acquieſce, if he has no way of recovering his Kingdom but by diſturbing the Peace and Quiet of a Nation; he ought not to make uſe of ſuch unlawful means for the recovery of his Kingdom: and certainly others can have no reaſon to act againſt the good of the Community for his Intereſt, when he himſelf is oblig'd not to act.

The Intereſt of a Prince is only more ſacred than another's, when that of the Publick is involv'd in it; but when that is no longer concern'd in his Actions, he ceaſeth to be the publick Perſon, and is but upon equal terms with other private Men, and ought as well as any other to acquieſce, rather than diſturb the Quiet or Peace of a Nation. And there is then the ſame reaſon for not endeavouring to reſtore him, as there was at firſt for not turning him out.

All the ill Conſequences that can happen in this Caſe are, that the leſs hopes Princes have of being reſtor'd by ſuch unlawful means, the more careful (it's hop'd) they will be in governing the Commonwealth, and more afraid of arbitrary illegal Practices.

Object. *If all Perſons, how unjuſtly ſoever they get a Crown, have the ſame Right (their Conſent) to the Obedience of the People, then there can be no ſuch thing as an Uſurper.*

When one may be called an Uſurper.

Anſw. He who without any juſt Cauſe deſtroys the Right that any Prince hath to the Allegiance of his Subjects, by making him uncapable to protect them, and protects them himſelf, may be call'd an Uſurper: Tho the People by the former Prince's loſing his Power to protect them, are reduc'd to the State of Nature, and by conſequence free from any Allegiance, and may lawfully, or rather are oblig'd (every one elſe being out of a capacity to protect them) to conſent to be govern'd by him who has the Power to protect them; who being ſo choſen, has the only Right a King can have, the Conſent of the People, who are as much oblig'd to obey him, as they are any King whatever. The former King is ſo far then from being their legal King, that he is no King at all, nor has any manner of Right to their Allegiance. It is true, the Uſurper having done him an Injury, ought to make him Satisfaction, and (if he can without any damage to the Publick) ought to place him in that condition he was in before he made him uncapable to protect the People; who then, for the ſake of Protection which they receive from him, are oblig'd to pay him Obedience. The having a Right to be reſtor'd by the Uſurper, is the only Right a Prince that is unjuſtly depriv'd of his Regal Office can pretend to. And when I ſpeak of his Legal Right, I mean nothing but this by it: Among the *Jews*, tho none could have a legal Right but one of their own Nation, becauſe they were oblig'd by God himſelf to chuſe a King from amongſt their Brethren, and God afterward, 2 *Chron.* 23. 3. entail'd the Crown upon the Poſterity of *David*; yet when theſe were diſabl'd to protect the People by their being in the Power of Strangers, it was ſo far from being a Crime, that it was their Duty (notwithſtanding the Divine legal Right any of their Brethren could pretend to) to pay Allegiance to them, tho for the moſt part they were Uſurpers, having no juſt Cauſe to conquer them.

CHAP.

CHAP. VIII.

Of Conqueſt.

IF the Supreme Powers upon the ſuddenneſs of the Attempt, or by any other reaſon become uncapable of defending or ſecuring to them the Lives and Goods of their Subjects, they are, as to thoſe particular Caſes, in the ſtate of Nature, and by their own Authority may juſtly take away the Lives of any that aſſault them. There can be no Reaſon why (if in all other Caſes no Protection can be had from thoſe they have conſented to be protected by) they are not in the ſtate of Nature, and by conſequence at liberty to pay Allegiance to thoſe who have a Power to protect them. And this is conſonant to the Senſe and Practice of Mankind ever ſince there has been Government in the World, who when their former Governors had loſt the Power of protecting them, thought themſelves, notwithſtanding any Ties, Oaths or Laws that might be pretended to the contrary, free from any Obligation as to them; and becauſe they could not ſubſiſt without Government, they have always conſented to pay them Allegiance who had the Power to protect them.

What Right Conqueſt gives.

And there are no Nations in the World, but have ſeldomer, or oftner, practis'd it; and this is perhaps the foundation of all the Governments which are now extant. And this Practice does not only obtain as to whole Nations, but even to leſs Places; as to Towns and Caſtles, which never ſcruple to pay Allegiance to their new Maſters, tho they change them more than once in a Campagn.

I wonder what powerful Reaſons (never before diſcover'd to the World, and for ought I can ſee by their Writings, ſtill undiſcover'd) have now oblig'd private Perſons to deviate from the univerſal Practice of Mankind, in refuſing to pay Allegiance to the preſent Government, which alone has the Power to protect them.

The Anſwer to this is, That Conqueſt gives the prevailing Powers a Right, and that People ſubmit to them as to Conquerors; but the *Engliſh* are no conquer'd Nation, which (tho it is nothing to the purpoſe, as I ſhall immediately ſhew) is, I confeſs, a great Truth.

The King was ſo far from invading and conquering the Nation, that it was to ſecure their Rights and Privileges, that he expos'd his ſacred Perſon to ſuch Dangers: But according to their own Principles, one of theſe two they muſt grant (for there is no medium) that the late King either freely parted with his Government, and if ſo, there can be no manner of pretence for paying him Allegiance; or that he was driven out by a ſuperior Force, which in other terms is being conquer'd: So that then, according to theſe Principles, his preſent Majeſty muſt have a Right to whatever King *James* poſſeſs'd.

Conqueſt in it ſelf, and barely conſider'd, can give no manner of Right; for what Obligation can lie on a Nation to pay Obedience to any one for battering down their Towns, killing their Inhabitants, deſtroying their Country, and in ſhort, for doing all manner of Outrages? Muſt a Nation, as a grateful Return for theſe Kindneſſes, be oblig'd to pay him all manner of Obedience? Can any Man in his Senſes think theſe Injuries can give the Actor of them a Title to Peoples Obedience, or that mere Force can give a Right? for then every one that was ſtronger than another would have a Right to govern him.

Conqueſt makes a People free from former Obligations.

Conqueſt, by deſtroying the Power the former King had to protect his Subjects, ſets them at liberty from any Obligation they ow'd him; becauſe they ow'd none to him, but upon the account of being protected by him: The Conqueror does not by this get a Right to their Allegiance, becauſe to free People from the Power of another, and to have a Right to command them himſelf, are different things. They being once free from Government, and by conſequence in the ſtate of Nature, nothing can give the Conqueror Right to their Allegiance, but their own Conſent. By which it appears, that Mankind hath been often in the ſtate of Nature; and conſidering the often Changes and Revolutions, there could be few or no legal Governments in the World, if in ſuch Circumſtances, all Ties to their former Governors were not abſolutely diſſolv'd.

But here it may be objected, that their Conſent was not voluntary, but forc'd; and therefore could not oblige them, or give the Conquerors a Right.

The

The Conquer'd may in a ſenſe be ſaid to be forc'd to what they did, becauſe they are bound by a moral Neceſſity to act for their own Preſervation and Happineſs; and for that reaſon they were oblig'd to leave the ſtate of Nature, and be govern'd by him that had the Power to protect them. None are forc'd to be protected againſt their own Wills: they by the former Government's Diſſolution, were reduc'd to a ſtate of Nature; and if the Prince, under whoſe Power they are, will not afford them his Protection, they would ſtill remain in that ſtate; but by claiming civil Rights (which they can only enjoy by his governing them) and referring their common Differences to be decided, and their Grievances to be redreſs'd by him, or thoſe that act by his Authority, they have put themſelves out of the ſtate of Nature, and have freely own'd his Government by their Actions, which were voluntary; for they were not forc'd to have recourſe to him for Protection in their natural Rights, or oblig'd to claim any civil ones: and this is look'd upon by Mankind as a free and voluntary Conſent, the moſt part of whom have no other ways than by their Actions own'd any Government.

Tho their Conſent was obtain'd by forcible means, yet that would not deſtroy the Validity of it: It is true, in a Civil Society, all Contracts obtain'd by Force are void, but then the Force ought to be prov'd; for the Preſumption is againſt it, and Judges declare for the Validity of a Contract, if the forcible means which were us'd to obtain it, are not prov'd.

The Validity of forcible Contracts.

But between independent Nations, where Force on one ſide is lawful, where there is no ſuperior Judg to determine the Differences, or to judg whether Force were juſtly impos'd, both ſides either thinking or pretending they are in the Right; all Leagues and Covenants, by whatever forcible means obtain'd, are valid, and the Good of Mankind (which is a ſufficient Reaſon) does require it ſhould be ſo, otherwiſe Wars would be perpetual, or not to be ended, but by the utter Ruin of the weaker or conquer'd Party; becauſe there could be no manner of Agreement or Peace between them, if they had a Liberty, under pretence of Force, of breaking their Promiſes whenever they had an Opportunity.

In all ſuch Caſes it is lawful to promiſe, there being no Superior (as among private Perſons) to take from them the Liberty of making ſuch Contracts; and the Good of Mankind does oblige People to fulfil thoſe lawful Promiſes. They cannot properly be ſaid to be forc'd to promiſe, becauſe it was in their Power to avoid promiſing: Nor is their Conſent conditional but abſolute, and it is their greater Good (either preſum'd or real) that obliges them to make ſuch Contracts. For the ſame reaſon all Priſoners of War are oblig'd to ſtand to their Paroles, and to pay whatever they promiſe for their Liberties.

The reaſon is the ſame for paying Allegiance to the new Government, whether by a juſt or unjuſt way the old one was diſſolv'd; and Mankind have all along equally ſubmitted to Conquerors, whether the Cauſe of Conqueſt were juſt or not: As few Conquerors have had a juſt Cauſe for all the Miſchiefs they have done. The reaſon for Submiſſion is not how one Man gets others into his Power, or whether he had a juſt Cauſe of deſtroying the former Prince's Power, but whether they conſent to be govern'd by him after they are in his Power. It is for their own ſake, and not for his, that they ſubmit to his Government: They may act againſt their own Good in not ſubmitting to the Conqueror, but they deny him no Right if they do not ſubmit: It is not the Conqueſt it ſelf, let it be ever ſo juſt, but the After-conſent that makes them Subjects.

A juſt Cauſe of War may make it no Injuſtice to dethrone a King, becauſe he gave ſufficient Provocation. But how can one Prince's injuring another, abſolve Subjects of their Oaths of Allegiance, and give the injur'd Prince a Right to command them? who, if he hath any Right beſides their Conſent, when he has put them into a capacity to conſent, muſt have it before the Conqueſt; for mere Force cannot give or take away a Right, it can only put him in poſſeſſion of his Right; and if he had any Right to their Allegiance before Conqueſt, I cannot ſee but that in Conſcience they were bound to transfer their Allegiance, and join with him againſt their former Prince, who by giving a juſt Cauſe of War had forfeited his Crown.

Tho the Nation be not conquer'd, yet no reaſon can be urg'd for ſubmitting to Conquerors, but what will hold as ſtrongly for paying Allegiance to the preſent Government. Has not the late King as much loſt his Power to protect the People, as if he had been driven out by Conqueſt? Is it not the preſent Government alone that makes the People a Civil Society? Is it not by it that they are protected in their natural

tural Rights, or can claim any legal ones? which are the only Reaſons that oblige People to ſubmit to Conquerors. And are not they that endeavour to diſturb it, as much within the power and reach of the Government, as if they were conquer'd? And has not the King and Parliament as abſolute a Power as any Conqueror?

The only difference is, that without feeling any of thoſe fatal Miſeries which attend Conqueſt, they enjoy the Protection of the Government, and owe their Preſervation to it; and the Nation inſtead of loſing any of their Rights and Liberties, enjoy greater, and are ſecur'd from the worſt of Slaveries, which otherwiſe they had inevitably fallen into. So that they have infinitely ſtronger Obligations to pay Allegiance, than if they had been conquer'd, to which their Zeal and Loyalty ought to be proportionable.

CHAP. IX.

Of Poſſeſſion.

ALL Writers, I think, allow, that after a Poſſeſſion of a long continuance (tho they extremely differ how much time is neceſſary) a Right does accrue to the Poſſeſſor, tho there are ſome of the right Line ſtill in being. If it be unjuſt to pay the firſt Poſſeſſor Obedience, I cannot ſee how a long Poſſeſſion can alter the Caſe. A continuance in an Injuſtice may make the Injuſtice greater, but not alter the nature of things, and make the greateſt Wrong to be Right; tho all things are done in Time, yet Time it ſelf operates nothing.

Difference betwixt the Laws that oblige private Perſons and ſupreme Powers.

This Miſtake (as a great many others are) is occaſion'd by the Parallel Men draw between private Perſons (who are ty'd up by Laws enacted by the ſupreme Powers) and the ſupreme Powers themſelves. By the Laws of moſt Nations, if private Men neglect to make a legal demand of their Rights in a certain time appointed by the Laws, they loſe them, and a Right does accrue to the Poſſeſſor; but this depends upon a Law enacted by the ſupreme Powers, who have a Right to diſpoſe of private Eſtates as they judg beſt for the publick Good, whoſe Laws can oblige none but their own Subjects. But what Authority have the Subjects, or the Poſſeſſor, to diſpoſe of the legal Prince's Rights? Beſides, it might juſtly be imputed to a private Man's own neglect, if, when the Law is open, he does not recover his Right: It may well be preſum'd he hath relinquiſh'd it. But that cannot be ſaid of a Prince who has no Court of Juſtice to appeal to, or any other likely way to recover his Right; yet by bearing the Arms and Title, and by other ways ſtill aſſerts his Right.

How numerous are the Inſtances of Princes poſſeſs'd of Territories belonging to others, and who have been ſo for a great many years? Yet none dare affirm the Subjects that pay them Allegiance, are, and have been all along Traitors. To give but one Inſtance among hundreds; the Kings of *England* have a Right to the Kingdom of *France*, and have conſtantly claim'd it by cauſing themſelves to be ſtil'd Kings of *France*, and by bearing the Arms of that Crown; yet none will condemn the *French* as Traitors, who have all along paid Allegiance to the *French* Kings. But if the Kings of *England* by tract of time have loſt their Right to the Obedience of the *French*, and before that time it was Treaſon for thoſe of that Nation to pay Allegiance to the *French* Kings, I ſhould be glad to know what Month, or Year, it ceas'd to be Treaſon; for it is a thing of mighty conſequence to know how long it is Treaſon to obey a King in poſſeſſion, and when it becomes Treaſon not to obey him. In ſhort, if a King can have a Right to a Country, and it be no Crime in thoſe of that Country not to pay him Allegiance, it demonſtrateth that Allegiance is not annex'd to the Title, but that it is due to the Perſon that does protect them.

The Title of Poſſeſſion.

Object. *Tho Time does not give a Right, yet the Acts, or the no Acts, that is, the Omiſſion of ſome, may in time amount to a Reſignation of the Right of the legal Prince to the Uſurpers.*

Anſw. I grant a man's Mind may be expreſs'd by Acts as well as Words; yet it would be a very hard Caſe to condemn all thoſe of Treaſon who have paid Allegiance to the Poſſeſſors, before they had ſufficient grounds to believe the legal Prince or

or his Heirs had by their Acts (if ſuch Acts could deſtroy the Right of the next of Kin) reſign'd their and their legal Succeſſors Right to the Uſurper. In how few Caſes is there reaſon for ſuch Preſumption? If till then all People ſhould be oblig'd to be deſtroy'd rather than pay Allegiance, what a Deſtruction would it make in the World? Would it not in moſt Caſes expoſe, at leaſt the Good and Conſcientious, to certain Ruin? And others could not preſerve themſelves without a Sin, the reward of which is Damnation.

Long Poſſeſſion is not at all neceſſary to juſtify the Peoples Obedience; for that very moment the People receive Protection and Defence from the new Powers, they ought to pay them the ſame Allegiance as if they had been in poſſeſſion of the Government a thouſand Years. The leſs time a Nation has been ſettled, the more need it has of Reſt and Peace, and the more dangerous would any violent Revolution be.

CHAP. X.

Of Protection.

BY oppoſing thoſe in poſſeſſion of the preſent Government, the ill-affected act not only againſt the Preſervation and Happineſs of the Nation, but are guilty of the baſeſt and fouleſt Ingratitude, by endeavouring to deſtroy thoſe Perſons to whoſe Protection they owe their Preſervation, and the ſafe Enjoyment of what they have. Who elſe ſecureth them from being ſtript and plunder'd of all they have, their Wives and Daughters raviſh'd, and perhaps they and their whole Families murder'd? What better uſage could they expect, if they were left to the mercy of the Rabble, or to the Diſcretion of every one to uſe them as they pleas'd? Can any Man in his Conſcience think he is oblig'd to deſtroy thoſe Perſons from whom he receives ſuch Benefits? Is it not Serpent-like to ſting that Boſom that warms them? Is this all the grateful Returns they can make to the Father of their Country? For if that Command of *Honour thy Father and Mother* extends to Governors, ſince they do not beget their Subjects, it muſt be for protecting and defending them, that that Title is due: Therefore it can be due to none but thoſe in poſſeſſion, for none but they do protect and defend them.

Jacobites act againſt the Preſervation of the Government.

Could they juſtly blame the Government if it did not protect them, who make it their buſineſs to ruin it, when too without their being protected, they would quickly be reduc'd to a Condition of not being able to give it the leaſt diſturbance? What favour can they juſtly expect, when they not only diſown the Government, but think themſelves oblig'd in Conſcience to make War upon the Society that owns it? Nay, they are actually in the ſtate of War, and only watch for an Opportunity to fall on. What Excuſe can a Government have for endangering the Commonwealth by protecting thoſe who are no part of it, but are profeſs'd Enemies to it?

Jacobites have no Title to the Protection of the Government.

It is a cruel Mercy to endanger a whole Nation for the ſake of its Enemies. Nay, why ſhould they have more Favour than foreign Enemies? It is ſo far from being an Excuſe, that it aggravates their Crime, that it is to their own Nation they are Enemies, and that it is in their own Country that they are endeavouring to raiſe a Civil War. Tho they were ſtill Members of the Body Politick, yet, as a Man is oblig'd to cut off any of his Limbs to preſerve the Body Natural, ſo the Government is oblig'd to do the ſame for the Body Politick, if it be neceſſary for its Preſervation.

It is frequently urg'd by the *Jacobites* and their Favourers, that what they do is upon the account of Conſcience, and therefore they ought not to ſuffer for it; which is but a ſorry Reaſon to hinder the Government from taking all neceſſary means to preſerve it ſelf, and to prevent the ruin of the Nation. But this Argument looks very odly from them who were ſo zealous to perſecute others about things, in which neither the Honour of God, nor the Good of the Commonwealth were concern'd. It is as abſurd as ſinful for any to perſecute their Brethren on pretence of Religion, for things which they themſelves own to be no part of Religion, but merely in themſelves indifferent. But to return.

If they will not be thought Enemies to the Society, but part of it, ought they not to act equally with the reſt for the Peace and Quiet of it, and ſubmit to the Head, that rules and governs it? How can they pretend to be Members of the Society, and conſequently claim any civil Rights by being ſo, without owning the actual Government that makes them Members of the Society? Do they not, by diſowning the Government, renounce the benefit of the Laws (which only can be put in execution by the Government) and out-law themſelves? How can they have any more Right to the Protection of the Government, if they out-law themſelves, than if the Government, by putting them out of its Protection, had out-law'd them? So that it is wholly by the favour of the Government (for they have no true pretence to them) that they enjoy any legal Rights. If they think they ſhould be ſeverely dealt with, if the Government did not protect them, why do they not what is neceſſary to inable the Government to protect them? If they will the Conſequence, the Protection of the Government, ought they not to will the Antecedent, all that is neceſſary to it? And if it be lawful to deſire and to receive the Advantages which flow from Government (which I ſuppoſe no *Jacobite* will be ſo hardy as to deny) why muſt not the Means that are neceſſary to obtain theſe Advantages, be ſo too?

Jacobites have no pretence to any legal Right.

How can they that are willing to be protected by any Perſon, be unwilling (except they deſire Contradictions) that that Perſon ſhould have a Power to govern them, becauſe without ſuch a Power he cannot protect them? and they that are willing to receive an univerſal Protection, are preſum'd to be willing to pay all Obedience that is neceſſary for that end; which is an Obedience as univerſal as the Protection they expect. It is evident, that he that is willing to receive an univerſal Protection from a Government, is willing that the Government ſhould have a coercive Power over all others, to reſtrain them from injuring him; and that it ſhould have ſufficient Authority to do Juſtice, and oblige all People to pay Obedience to the Laws, when they are put in execution for his ſake, becauſe in it wholly conſiſts his Protection: and he that is willing the Government ſhould have Power over all other People upon his account, ought to be willing the Government ſhould have the ſame Power over him, for the ſake of others, except he would be the only Man in the Nation without Government; and is unwilling to do that himſelf, which he would have all others (whatever their Principles are) to do.

Obedience and Protection mutually bind.

If the *Nonjurors* do deſire to be protected, and do actually receive the Protection of the Government (tho at the ſame time they pretend it is againſt their Conſciences) it is manifeſt they do own the Government, and by their Actions conſent to ſubmit to it: and what force can a Proteſtation have againſt their own Acts?

Do not the *Jacobites* upon all occaſions fly for Protection to the Government, and apply themſelves to thoſe Miniſters, as legal Officers, who act by no other Authority than their Majeſties? And have they not conſtant recourſe to the Courts, whoſe Proceedings are in their Majeſties Names and Authority? Do not all Writs run in their Names, and do they not proſecute People in their Majeſties Names as acting againſt the Crown and Dignity of our Sovereign Lord and Lady King *William* and Queen *Mary*? &c. And do they not apply themſelves to the King's Miniſters, for the benefit of thoſe very Laws which are enacted by the preſent Government, and by conſequence own the Authority that makes them? How then can they own the Miniſters, and not own the Authority by which they act? And if the taking a Commiſſion from the King for the adminiſtration of publick Juſtice, or in defence of the Kingdom, be owning the Authority of the King, why muſt not the complying with them, as ſuch, be owning the Authority by which they act? But if they don't own the Miniſters to act by lawful Authority, then they muſt confeſs their Sentences are ſo many Robberies and Murders, becauſe they have no juſt Authority for what they do; and they make themſelves acceſſary, ſince it is at their Requeſt they commit them. Is it not eſteem'd by all Laws owning the Authority of a Court, to appeal to it? Is it not owning the Pope's Authority, to appeal to him, or any commiſſion'd by him? Is it not by the Law of Nations, and an univerſal conſent of Mankind, an acknowledging a Government, to receive Protection from it?

Jacobites have the Protection of the Government, tho they diſown it.

Do not all that go into a foreign Prince's Dominions, during their ſtay, by receiving the Protection of the Government, own themſelves ſubject to it (except Ambaſſadors, over whom Sovereigns have agreed to ſuſpend the exerciſe of their Right) and are they not oblig'd equally with the Natives, to pay Allegiance; and alike guilty of Treaſon, and ſo try'd, if they attempt any thing againſt it? And upon this Head, all private Attempts upon a Prince in his own Country, have been abhor'd

abhor'd by all Nations; and thoſe that deſign'd any thing of this nature, have not been treated as juſt Enemies, tho in time of War; becauſe the Preſumption is, they enter as Subjects into the Dominions of that Prince that protects them.

If applying to a King, as ſuch, for his Protection, and receiving it, be not owning his Authority, Princes have but a ſmall ſecurity for the Obedience of the greateſt numbers of their Subjects, who have no otherwiſe oblig'd themſelves to own their Government, but by receiving Protection from them.

The Abſurdities of the Jacobites Principles.

The denying, that addreſſing to a Government for Protection, and receiving it, is owning that Government, lays a mighty gap open to Rebellion, by deſtroying the Obligation of all Allegiance, but what is built upon verbal Promiſes; *ſo that Men of theſe Principles ought to be look'd upon as Enemies to all Order and Government.*

By examining what it is that gives Government a Right to the Obedience of Men, who are by nature free, it will the better appear what Right the preſent Government has to the Allegiance of thoſe it protects.

The reaſon that is uſually given, why People are oblig'd to obey any particular Government, is (no Prince being ſo ridiculous as to pretend a Right, as the Firſt-born in a direct Line from *Adam* or *Noah*) becauſe it was the intent of thoſe who firſt form'd the Society, that ſuch Perſons, and their Succeſſors (if they made the Government hereditary) ſhould have a Right to govern the Nation for ever. But how could they, whoſe Authority with their Being ceas'd ſo long ſince, oblige the Conſciences of thoſe who were not then in being? Or how could any Acts or Compacts of their Anceſtors take away the natural Liberty of thoſe that were born ſo many years after, and who have the ſame Right to Freedom as they had? Or how could their Compacts oblige thoſe that are not deſcended from them, but come from other Countries into the Society, and make it a ſin in them not to obey the preſent Governors of any Society, upon whoſe Authority alone, and not upon the Founders of the Society, depends the validity of all former Laws, which can only bind, becauſe it is the Will of the preſent Powers they ſhould? otherwiſe no Laws could be repeal'd, if their very Being did not depend upon the Pleaſure of the preſent Supreme Powers, who deſign they ſhall oblige, until they declare the contrary.

What makes one a Subject in a Country.

Others ſay, That being born in a Country makes one a Subject for all his life to the Government of that Country: but why ſhould being in a Country, by being born in it, make one become a Subject, more than being in the ſame Country at another time? Beſides, common Experience ſhews this to be falſe, becauſe whoever is born in a Country where his Parents are Foreigners, may, as it is allow'd by all, leave that Country when he pleaſeth. But perhaps it may be ſaid, he is a Subject to that Prince where his Parents were born. What if they were born under the ſame Circumſtances? Or ſuppoſe his Parents are of different Countries; as if a *Dutch* Woman and an *Engliſh* Man have a Child in *France*, ſince *France* does not pretend to him, which of the Nations can claim him for their Subject? Or muſt he be divided? So that the Difficulty ſtill remains, how People come to be oblig'd to obey any particular Government? Which I think can only be thus ſolv'd.

Owning a Government is to conſent to be ſubject to it.

Every Perſon, tho born free, yet he is for the ſake of his own Safety oblig'd to part with his Liberty, and put himſelf under the Protection of Government. Nor can he be ſecure in what he enjoys but by it. Nor can he have a Right in a Country (that is already poſſeſt) to any thing, but by owning the Government of that Country. And by pretending to the Privileges the reſt of the Society enjoy, he has own'd himſelf a Member of the Society, and a Subject of the Government of it. And this is the only way that any (except by verbal Promiſes) conſent to become ſubject to Government.

The Conſent of particular Perſons being ſeparately and ſingly given, unthinking People take little notice of it, and ſuppoſe they are as naturally Subjects, as Men; and conſequently, that they have no more right to free themſelves from their Subjection, than from their human Nature; nay, muſt ſuffer themſelves to be deſtroy'd rather than endeavour it.

But it may be objected, If a Man is no ways bound to a Government but by his own Conſent, and if the Acts of his Anceſtors no way oblige him, he is not bound to ſtand to their Diviſions of the Lands, but he may, *pro virili*, put in for a Share, as he might when all things were in common.

Anſw. If it would be Injuſtice in any one to go into a foreign Country, to the Laws of which he is not bound, and ſeize any Land in it, on pretence that the Di-

viſions of the Land were formerly made by People whoſe Acts could not oblige him, and therefore he had as juſt a right as any of the Inhabitants to a ſhare in the Land; if this were injuſtice in him, why is it not ſo in one born in that Country? What Right can he, that comes from no other place, but from nothing, pretend to, more than he who at firſt came from another Country? If a Country be wholly poſſeſs'd and occupy'd (which by the Law of Nature, antecedent to all human Laws, gives a Right) by being improv'd and cultivated by the Labor and Induſtry of the Inhabitants, who are ſo very numerous, that the Land does not produce without vaſt labor ſufficient to maintain them; what Right can any that comes into this Country, either by being born in it or any other way, have to their Labor, by uſurping any part of this Land, which was long ſince poſſeſs'd and divided amongſt the Inhabitants, who having a full power over their own Properties, might ſubject them to what Laws they pleas'd (and which the Legiſlative Power may ſtill continue) and permit none to have a right to them, or enjoy any Advantages by them, or ſo much as to be in the Country without owning the Government of it? And it is highly reaſonable, that no Government ſhould ſuffer any to remain in its Dominions, who will not own its Authority, or be ſubject to the Laws of the Country. If it were unjuſt before Lands were divided, to have rob'd any one of the Fruits of the Earth, that he by gathering had made his Property; why ſhould it not be as much injuſtice to ſeize upon that Land, which is now as much another's Property, as the gather'd Fruits were then? But I ſhall ſpeak no more upon this Subject, becauſe it is, in his *Eſſay of Government*, ſo fully handled by that wonderfully Ingenious and Judicious Author, whoſe Works of all ſorts one cannot enough commend.

The firſt Poſſeſſors Right.

Whatever Society people chance to be Members of, whether it be their native or any other, they are during their ſtay equally oblig'd, for the ſake of the Protection they receive, to pay Allegiance to the Governors of that Society. It is not material, whether they enjoy Properties for their lives, years, weeks or days; the greateſt part of the Natives have no more Properties, or enjoy no greater Advantages by the Government than Foreigners, yet they are oblig'd to pay the ſame Allegiance the reſt of the Society do.

Natural Allegiance.

But here it may be objected, That there is a natural Allegiance due to the Governors of the firſt Society men are of (which cannot be due to any other) without whoſe Conſent they cannot leave the Society, and when abroad are oblig'd, when they command them, to return.

Man being born free (that Diſtinction of legal and natural Allegiance being wholly groundleſs) is ſtill Maſter of all that Liberty he has not parted with; and if the Laws of the firſt Society, to which he has conſented by being a Member of it, have not oblig'd him not to leave the Society without the Conſent of the Governor, he is at liberty to tranſport himſelf into what Country he pleaſeth, and to ſtay in it as long as he pleaſeth. It is for the Intereſt of Mankind that they ſhould not be debar'd the liberty of living where it is moſt for their Intereſt: and becauſe Nations could not maintain any Trade or Commerce one with another, if People that went from one Country to another, had not a power to return when they had a mind to it; that Liberty, by the Law of Nations, is equally allow'd to all. They, it is true, who have left a Country, whether it was that they were born in or any other, yet as long as they enjoy any Property in it, are oblig'd, if they intend to ſave their Property, to leave all other Countries, when commanded. Men oftner having Properties in their native than in any other Country, has given occaſion to ſome to conclude, That there was a natural Obligation on them to return when commanded: But there can be no reaſon aſſign'd from Nature, why more Allegiance ſhould be due to the Governors of that Country in which they were born, than to the Governors of that Country they afterwards voluntarily go into; where for the Protection they receive, they are oblig'd to pay the ſame Allegiance as they did when they were in their native Country. And if a foreign Prince ſhould get the power of protecting them in their native Country, they would be oblig'd to pay him the ſame Allegiance as they did when under his Protection in another Country; becauſe in each Country the Protection is the ſame.

Foreigners how Subjects.

Tho they that reſide in a foreign Society are equally ſubject with the Natives to the Laws of it, and by oppoſing the Government would be equally guilty of Treaſon; yet if during their ſtay, any Alteration happens in the Government contrary to the Laws, they never ſcruple to pay Allegiance to him that gets poſſeſſion of the Government, tho his Title be ever ſo illegal. I ſee no reaſon why they ſhould

not

not do the ſame in their firſt Society, ſince whatever Society they are in during their ſtay, they are equally oblig'd to obey the Laws of that Society.

Are not theſe Reaſons as ſtrong for paying Allegiance to the preſent Government? Can any man enjoy the Privileges of the Society, without being a Member of the Society? Or can any one be a Member of a Society, without owning the Head of it, or paying Allegiance to him? Or is there any other Head that rules and governs the Members, but the preſent King? Is it not by his Authority, that the Members of the Society receive an univerſal Protection, as to their Lives, Liberties and Eſtates, under whoſe Government they are, or elſe they are under none, but in the ſtate of Nature? And there is no Reaſon or Law, to oblige People to remain in a ſtate ſo inconſiſtent with their Happineſs. And it would be injuſtice for any to remain in that ſtate, becauſe they would be their own Judges in all the Diſputes they had with others, who were willing to refer their Differences to a ſtanding impartial Judg; nor have any been guilty of it, but all, not excepting the *Jacobites*, by making uſe of the Protection of the Government, have left the ſtate of Nature, and have own'd themſelves ſubject to it. After this, what pretence can any Member of the Society have of refuſing to pay their Allegiance to a King, whom they have all along by their Actions own'd, and by whom they have been ſecur'd from groaning under the worſt of Slaveries, which had been to them the more intolerable, becauſe of the great Liberty and Freedom they before enjoy'd? So that all the Reaſons that can well be imagin'd to oblige People firmly and intirely to any Sovereign, do conſpire to tie them up in the ſtrongeſt Bonds of Allegiance and Fidelity to the preſent King and Queen.

Jacobites owe their Protection to the Government.

By what hath been ſaid, I think it is evident, how abſolutely neceſſary it is for the good of Mankind to ſubmit to thoſe Perſons that are capable of protecting them; and that applying to them for Protection, is acknowledging their Government and Authority; and that the *Jacobites* in uſing the Protection of the Government, and at the ſame time oppoſing it as far as they dare, act baſely, treacherouſly, ungratefully and inconſiſtently.

But they that oppoſe the Government after they have ſworn to be true to it, break all Ties both Sacred and Civil: for if neither their Oaths nor the good of the Society they pretend to be Members of, nor the Duty they owe the Government for protecting them, can oblige them; no Bonds whatever (for theſe are the moſt inviolable) can hold them. How can any Prince or private Perſon truſt them, ſince they have deſtroy'd all manner of Security, Truſt and Confidence men have in one another? All the Anſwer to this (I mean of the Non-ſwearers, for the others are not capable of giving any) is, That they act upon the preſum'd Conſent of the outed Prince, who, they ſuppoſe, is willing they ſhould obey the preſent Government in all things which are for the good of the Society and their own Preſervation, provided it be not contrary to his Intereſt. Which Anſwer is not at all to the purpoſe, becauſe it ſuppoſeth they are ſtill oblig'd to diſturb the publick Peace, and raiſe Civil Commotions for his Intereſt, and not to own the preſent Government, tho it ſhould be abſolutely neceſſary for their Preſervation.

Can any Civil Society be preſerv'd, if private Men are oblig'd not to obey thoſe that actually govern it, except they think it for the Intereſt of a Perſon who is a declar'd Enemy to the Society; and when every thing that tends to the Support and Advantage of the Society, becauſe it makes the preſent Government more potent, muſt be againſt his Intereſt? What if the late King has no other way to regain his Throne but by the Ruin and Confuſion of the Nation? Muſt the *Jacobites* aſſiſt him in ruining the Nation? as it is plain by their Principles they are oblig'd to do; for if once they think they are oblig'd to act againſt the good of the Society by raiſing a Civil War, it is certain there is no miſchief, provided it be for his Intereſt, that they ought to ſtop at. And it is plain by their rejoicing at any publick Calamity which happens to the Nation, that they are ready, if they thought it at preſent for his Intereſt, to fire all the Towns in *England*, or act any more horrid Villany. But if they diſown theſe Principles, and ſay they are oblig'd to act for the Preſervation and Good of the Community contrary to his Intereſt and Conſent, then they are oblig'd to obey the preſent Government, becauſe that is for the good of the Community, and for the Safety of particular Perſons; who if they have the late King's conſent to do ſuch Acts as neceſſarily infer the owning the Authority of the Government, they have his Conſent to own and obey the Government: And then according to their own Principles, they can have no pretence of denying Allegiance to it. If ſuch Acts do not amount to an owning the Authority of the Government,

Jacobitiſm againſt the Laws of Self-Preſervation.

ment, then moſt People never own'd the late King's Authority, becauſe they own'd it no other way than by receiving Protection from him.

Jacobites in Places of Truſt.

It is ſtrange that not only thoſe that receive Protection from the Government, but even thoſe that have thruſt themſelves into Places of the greateſt Truſt, and conſequently have the greateſt Obligation to bear true Allegiance to their Majeſties, ſhould own they have no Right to it: and the greateſt Compliment they can give them, is, That they are King and Queen *de facto*; which in other words is calling them Uſurpers; and is, even whilſt they are their Servants, owning themſelves Subjects of the late King. Men of ſuch Principles cannot accept of Places of Truſt, but for very baſe Ends: for they muſt either deſign to act againſt their Conſciences in acting againſt the Intereſt of him they eſteem their lawful and rightful King, or elſe they muſt deſign to betray their Truſt in acting for his Intereſt; which, when it is their own Intereſt too, and they may have what price they demand for betraying their Truſt, there can be no doubt but they will endeavour to ſerve him who they think has the right Title to their Allegiance. The fatal Conſequences that have happen'd to the Nation upon truſting Men of thoſe Principles, have too well demonſtrated the truth of it. But to return.

If doing all thoſe Acts the Malecontents do in order to the ſecuring their Perſons and Properties, be not owning themſelves Subjects of the Government, there was no reaſon for Mankind to have ſubmitted to and own'd any Government; ſince according to their Principles they could have all manner of Protection and Defence without any Government: becauſe they, as they pretend, enjoy Protection from the Government, without owning its Authority over them, or any Duty in them to obey.

CHAP. XI.

Of Oaths of Fidelity.

PErhaps it will be ſaid, *Tho upon ſuppoſition that there is no reaſon why People ſhould pay Allegiance any longer than they are protected, yet if they have otherwiſe tyed themſelves by their Oaths, they are in Conſcience oblig'd by thoſe Oaths.* But I anſwer,

Such Oaths, if ever ſuch were impos'd, would be ſo far from binding, that they would be null upon the account of the Sinfulneſs of them, as being directly againſt the good of human Societies. In all Promiſes and Oaths concerning things that are not moral, this tacit Condition is always included, of their not being, or upon alteration of the Circumſtances becoming contrary to the publick Good: and this is without all doubt to be obſerv'd about Government, becauſe it was inſtituted for no other reaſon but the publick Good.

Oaths alter not the nature of Allegiance.

Oaths do not alter the nature of Allegiance, or make it due where it was not before, or any ways extend it, but only add a new tie to pay that Allegiance which is due upon the account of Protection. He that lives under a Government, tho he has not ſworn to it, owes it the ſame Allegiance as he that has; and if he ſhould deny his Allegiance to it, would be equally guilty of Treaſon, tho not of Perjury. It is evident by the univerſal Practice of Mankind, that no Subjects ever thought themſelves oblig'd by their Oaths of Fidelity, which Governments have conſtantly impos'd on them, when they ceas'd to be protected by them. The Legiſlative Power, eſpecially where the People have a ſhare in it, are preſum'd to recede as little as poſſible from natural Equity, and to deſign by impoſing ſuch Oaths, the Good and Preſervation of the Society; whoſe Intereſt it is, that they that have the publick Adminiſtration of Affairs ſhould not be diſturb'd. But it is not at all material whether this or that man, provided they are well manag'd, has the direction of them: Nor can it without the greateſt abſurdity be ſuppos'd, that ſuch numbers of men as Societies are compos'd of, who are by nature equal, ſhould oblige themſelves by the moſt ſolemn Ties to become moſt miſerable, by living without Protection; nay, to loſe even their Lives rather than own the Government that can protect them, for no other reaſon, but barely an extraordinary fondneſs to one of their number, to give him not the Neceſſaries or real Conveniences of Life, but only an Office (for Government is no other) which is but an imaginary Happineſs: For if Government were a real Happineſs to the Perſons that poſſeſs it, ſeveral upon their

their parting with it would not have found themſelves happier than before. That People ſhould be true to thoſe that have the Adminiſtration of Civil Affairs, is all that Oaths of Fidelity require; and it is evident by the words of it, that the late Oath of Allegiance requir'd no more; and to extend it further than the King in poſſeſſion, is not reconcilable with the Reaſon, End and Deſign of paying Obedience, which is the Peace and Happineſs of the Society, which can never be maintain'd, if People may, for the ſake of a ſingle Perſon, diſturb him that has the Adminiſtration of their common Affairs; and it would require Impoſſibilities, becauſe a private Perſon is incapable of paying Allegiance to a King when out of poſſeſſion of the Government.

CHAP. XII.

Of the Act of Parliament of the 11 *of H.* 7.

BEſides, no Act of Parliament ought to be ſo interpreted, as by bare Implication to deſtroy a former Act, as ſuch an Interpretation would the Eleventh of *Hen.* 7. Chap. 1. a Law ſtill in force, which does declare, *It is againſt all Law, Reaſon and Conſcience, that Subjects*, &c. *any thing ſhould loſe or forfeit for doing their Duty and Service of Allegiance. Be it Enacted*, &c. *That no Perſon that attends upon the King and Sovereign Lord for the time being, and does him true and faithful Service of Allegiance*, &c. *ſhall any wiſe be moleſted.* What can be plainer, than that it is the Duty of every Subject to bear true Faith and Allegiance to the King in being? And to encourage them in their Duty, the Law does ſecure them from any manner of Moleſtation for the time to come, and declares it againſt all Law, Reaſon and Conſcience that any ſhould ſuffer upon that account. *King in poſſeſſion.*

The People would be in a moſt miſerable Condition, ſhould they be in danger of being hang'd for not obeying the King in being, or for obeying him to be puniſh'd by the ſucceeding Kings as Traitors.

The endleſs Quarrels, almoſt to the utter Ruin of the Nation, between the Houſes of *York* and *Lancaſter*, made the neceſſity of ſuch a Law very evident: Tho this then was no new Law, but only declarative of the antient Law (for they ſuppos'd it before to be againſt all Law, as well as Reaſon and Conſcience, that, *&c.*) By which Law it is plain, that a King in poſſeſſion has the ſame Right to the Peoples Allegiance, as any King whatever; becauſe no King has any other than a Legal Right to the Peoples Obedience, which this Law declareth is the Right of all that are in poſſeſſion of the Government. And accordingly it has been the Opinion of the Lawyers, that Treaſon cannot be committed but againſt a King in poſſeſſion; and there can be no Treaſon committed, but againſt him to whom Allegiance is due: and Acts of Parliament made in the Reigns of ſuch Kings (tho not confirm'd by ſucceeding Kings) are valid, and oblige the Subjects, as much as thoſe made by ſuch as are uſually call'd Legal Kings.

But it may be objected, *That if they who were inſtrumental in a Rebellion, may not endeavour to reſtore their Legal Prince, they put themſelves out of a poſſibility of making Reſtitution.*

Anſw. Thoſe that unjuſtly deprive a King of his Crown, ought no doubt to reſtore him; but if another has got poſſeſſion of the Government, by what has been ſaid I think it is plain they ought to obey him. There can be no diſpute, but they that were no way inſtrumental in the Revolution, but did their Duty in defending him in the poſſeſſion of his Crown, were free from any Obligation as to him, when he had loſt the power of protecting them; and were bound for the ſake of their own Preſervation to pay Allegiance to him from whom they receiv'd Protection, and oblig'd to defend him to the utmoſt: but if the reſt of the Society who receive Protection from him are oblig'd to oppoſe him, then the Society muſt be divided, and of neceſſity run into Civil Wars, which is againſt the nature of Civil Societies, and inconſiſtent with the Duty of Self-preſervation, which obligeth men not to expoſe their Lives, but to obtain a greater good than their Lives, which can only be the publick Good, not the ſingle Intereſt of any one Perſon. *Power to protect, challenges Obedience.*

They that were inſtrumental in raiſing a Rebellion, were no doubt guilty of a very enormous Crime; but that which made it ſo was not barely the Injury they com-

committed againſt the Prince (to whom, if alone conſider'd, the breach of a Promiſe in refuſing to pay Obedience to him, could be no greater Crime than a breach of a Promiſe to another Perſon) but the fatal Miſchief and irreparable Damage they did the Commonwealth: and a new Commotion in all probability would be more deſtructive; and a Nation by being ſo much weaken'd by the former, would be leſs able to bear a new War. It is a greater Sin, if the Perſons themſelves are only conſider'd, to take away the Life of one man, than to deprive another of any worldly Advantage; it is only the Publick that makes it otherwiſe, but the Publick in both caſes is equally concern'd, and the Conſequences may be as fatal in diſturbing the Uſurper's Government, as that of a legal Prince, That which makes the Crime of Rebellion of ſo deep a dye, is, becauſe Rebels put it out of their power to make reparation for all the Miſery and Deſtruction a Civil War creates; nor is endeavouring to bring the ſame Calamities upon a Nation, a proper way to make them amends. If there be no other way to make reparation to their injur'd King, but by engaging the Nation in Civil Wars, they ought not to attempt making him reparation by ſuch unlawful ways.

The not reſtoring a Perſon to the Crown that he is unjuſtly depriv'd of, can only be conſider'd when the Publick is no longer concern'd in his Actions, and the Affairs of the Nation are manag'd by other Hands, as an Injury to a ſingle Perſon; and the greatneſs of the Injury is to be judg'd not by the Value of the thing it ſelf, but what he that is unjuſtly depriv'd of it ſuffers by the loſs of it. What is abſolutely neceſſary for the Subſiſtence of one Perſon, may be but Superfluities to another; and as the Widow's Mites were greater Charity than what the Rich out of their Abundance gave, ſo the robbing her of them, becauſe ſhe could leſs ſpare them, would have been a greater Injury, and conſequently a greater Sin, than robbing a rich Man, that could better ſpare it, of a thouſand times as much.

Tyrants, it is true, rob great numbers of the Conveniences, and very often of the Neceſſaries of Life; but Uſurpers only hinder ſingle Perſons from enjoying not the Neceſſaries or Conveniences of Life, but Superfluities, becauſe all the Neceſſaries, and even Conveniences of Life, can be had without a Crown. Yet the Uſurpers, without all diſpute, if they can without any Injury to the Publick, ought to reſtore the Government to thoſe from whom they do unjuſtly wreſt it; but if they do not, Subjects for the ſake of Government, to which Sacred Ordinance Obedience by God himſelf as well as Man is annex'd, ought to ſubmit. Chriſt and his Apoſtles make no diſtinction, but command Obedience to all in poſſeſſion, by annexing God's Authority to the Office of governing.

CHAP. XIII.

Of Proofs of Scripture concerning Obedience to thoſe that actually adminiſter Government.

CHRIST in the Directions he gave, *Mat.* 23. to his Diſciples, and to the Multitude about their Behaviour to the *Scribes* and *Phariſees*, requires Obedience to be paid them only upon the account of Poſſeſſion; ſaying, *The Scribes and Phariſees ſit in* Moſes's *Seat, all therefore whatſoever they bid you obſerve, that obſerve and do.* And he gives no other reaſon for this great Obedience in doing and obſerving whatever they command, but becauſe they ſat in *Moſes*'s Seat; that is, were poſſeſs'd of *Moſes*'s Authority, who in the Theocracy was the chief Magiſtrate. Not that the *Scribes* and *Phariſees* had ſo great a Power as *Moſes*, but as far as they did enjoy his Seat, Throne and Authority, ſo far they were to be obey'd: They were then the greateſt, as well as chiefeſt part of the grand *Sanhedrin*, which in all Cauſes where the *Romans* had left the *Jews* to their liberty, had the Supreme Power both in Civil and Eccleſiaſtical Matters. (There were not in the *Jewiſh* Republick two diſtinct independent Powers, one for Civil, another for Eccleſiaſtical Cauſes.) If the People were then oblig'd to pay ſo great Obedience, barely upon the account of Poſſeſſion, why may not the ſame Direction ſerve for a ſtanding Rule to the Multitude in all times? And not only to the Inferiors, but even to the Supreme Magiſtrate himſelf, Chriſt requires Obedience upon no other account but that of Poſ-

The meaning of ſitting in Moſes's *Chair.*

Poſſeſſion. If *Cæſar* be in poſſeſſion of the Empire, as it did appear by his coining of Mony and ſtamping his Image upon it, that being a Mark of Sovereignty and Empire, but not of any legal Title to it; then *Cæſar* is to have Tribute and all other parts of Allegiance paid him.

St. Paul requires Obedience to the Powers that be.

And St. *Paul* in expreſs terms requires Obedience to *the Powers that be*, and declares there is no Power but what is from God. The Jews being influenc'd by the Prieſts and Phariſees, who becauſe they were oblig'd by their Law to place no Stranger over them, ſcrupled to pay Obedience to the *Roman* Emperors, becauſe they were Strangers and not capable of a legal Right; not conſidering the Law did not oblige them but when it was in their own choice, and not when they were under the Power of the *Romans*, to whom for the ſake of Protection they were oblig'd to pay Obedience; St. *Paul*, to take away theſe Scruples, aſſures them all Powers are from God. If St. *Paul* had only meant legal Powers, ſince none but Jews were capable of being ſuch, he had confirm'd the Jews in their Error. But the Reaſon why St. *Paul* obliges men to ſubmit, will demonſtrate that all actual Rulers are meant, and none but they, becauſe they alone are a Terror to evil Works, and a Praiſe to the Good; none but the *actual Ruler is a Miniſter of God, a Revenger to execute Wrath upon him that does evil, or a Miniſter of God for good.* What can more fully demonſtrate that the Reaſon of Obedience is for the Benefits men receive by Government? And what makes the Crime of reſiſting them ſo great, is, becauſe men oppoſe thoſe by whom they receive ſo many Advantages: It is, becauſe they have the Power of the Sword (which includeth all manner of Puniſhment) by which they ſecure and protect all their Subjects from all manner of Injury and Violence of ill Men; and being Miniſters of God for good, includeth all the good they receive both to their Perſons and Properties: *for which cauſe you pay Tribute alſo, for they are God's Miniſters continually attending upon this very thing.* It is their diſpenſing theſe Advantages to mankind, that makes them God's Miniſters and God's Ordinance; the Scripture affirming thoſe things that are neceſſary for the good of Mankind to come from God, as plowing and ſowing, *Iſa.* 28. from Verſe the 23*d* to the 29*th*. If it once be known, as the diſcovery cannot be difficult, who it is that beareth the Sword, who adminiſters Juſtice, who rewards, and who puniſheth; if the Apoſtle's word is to be taken, Subjection is not only due to him for Wrath, but for Conſcience-ſake. And the ſame Apoſtle exhorts, That *Prayers be made for Kings, and all in Authority, that we may lead a quiet and peaceable Life in all godlineſs and honeſty.* Theſe Reaſons can only concern thoſe that have actual Power and Authority, by whoſe protection thoſe that live under them may lead ſuch lives; and if it be our Duty to pray that we may lead ſuch lives, it muſt be our Duty to enable them that have Authority over us, to ſecure us in the enjoyment of a peaceable and quiet Life.

Power of doing good God's Ordinance.

Do the Principles or Practices of the *Jacobites* ſute with this Doctrine? who inſtead of praying for thoſe in Authority, make it their buſineſs by oppoſing them, to deſtroy not only our Quiet and Peace, but even all Godlineſs and Honeſty too, by endeavouring to ſet up again a Popiſh Governor, and by conſequence to introduce a Religion whoſe Principles are deſtructive of true Godlineſs and Honeſty, as well as the Peace and Quiet of the Profeſſors of them. And St. *Peter* for the ſame Reaſon requires people to ſubmit to the Supreme Magiſtrate, whom he calls *the Ordinance of Man*; ſo that it is plain, that God by approving this human Ordinance, approves it as human, and requires Obedience to it for the ſame Reaſons that men at firſt inſtituted it. And it is the power Governors have to do Good, that makes them to be not only God's Ordinance, and God's Miniſters, but even Gods: for ſince they are not Gods by nature (tho by ſome peoples arguing one would ſuppoſe they thought them ſuch, or at leaſt Beings in themſelves ſuperior to the reſt of Mankind) it muſt be for the protection they afford that they are term'd ſo; who when they do no longer protect the People, ceaſe to be a human Ordinance, and then too they ceaſe be a Divine one: And the ſame Reaſon that obliges People to ſubmit to them, when they act for the good of the Society, does as much oblige people to oppoſe them, if they deſign to ruin and deſtroy them. It cannot well be ſuppos'd, that God who has oblig'd Mankind to preſerve their Lives, and conſequently to uſe the Means that are neceſſary for that end, ſhould require People to ſuffer themſelves to be deſtroy'd, to gratify the Luſt or Barbarity of a ſingle Perſon, or a few, who are by nature but their Equals, and only above them by being in an Office which they erected only for their Convenience.

Object. *St.* Paul *makes no manner of exception, but declareth,* Whoſoever reſiſts ſhall receive damnation.

Anſw. The Apoſtle requireth Obedience to Parents in all things; ſo he requireth Obedience to Maſters, Husbands, Paſtors, without mentioning any Exceptions; ſo here the Apoſtle (which was ſufficient for his purpoſe) declareth, all people ought to obey the Supreme Powers, without mentioning this Exception, which from the Nature, End, and Deſign of Government, and even from thoſe Reaſons which he gives for Obedience, does neceſſarily flow.

It cannot be preſum'd that Chriſt gave Authority to his Apoſtles to make Slaves of Mankind, by giving the Emperors a new Power, who before by no Law of God or Nature had ſuch a Power over peoples Lives. All the Power the *Roman* Government had, was immediately from the People; who, as it is plain in Hiſtory, by their mutual Conſent erected that Commonwealth: and what Power the Emperors had, was given them too by the People, who by the *Lex Regia* conferred it upon them.

All that can be deduc'd from Scripture is, That Obedience is due to thoſe that protect the People; and nothing can be plainer than thoſe Texts which require it: By which plain and ignorant People may know their Duty as well as the learned and wiſe. It would have been inconſiſtent with the Goodneſs of God to have requir'd Obedience on the greateſt Penalties, and yet leave it ſo uncertain as the *Jacobitiſh* Principles would render it, to whom Obedience is to be paid. What can be more uncertain than generally Titles are? And are there not innumerable intricate Difficulties, about long Poſſeſſion, preſum'd Conſent, a juſt Cauſe for a total Conqueſt, *&c.* If about theſe Points the Learned do ſo extremely differ, as any one may perceive that gives himſelf the trouble to examine what Authors have writ upon it, who give good Reaſons for deſtroying one another's Hypotheſis, but none for confirming their own, but what are liable to equal Exceptions; What means or poſſibility have almoſt all Mankind, the unlearned and common People, of knowing their Duty?

But it may be objected, *Tho the common People ſhould be miſtaken, invincible Ignorance will excuſe them.*

How Ignorance excuſes.

Anſw. Not to diſpute how far ſuch Ignorance will excuſe them; I am ſure it is inconſiſtent with the infinite Wiſdom of God, to give ſuch Rules as almoſt all Mankind are utterly uncapable of underſtanding, or guiding their Actions by. But whoever conſidereth theſe Texts of Scripture, will ſee the falſeneſs of ſuch impious Reflections, and muſt admire the Goodneſs of God in laying down Rules ſo plain, that a well-meaning Man cannot miſtake them. But if Men will be wiſer than God himſelf, and not be content with thoſe Laws he preſcribes them, but will invent new Rules and new Ways; or by following the Tradition of the Jewiſh Prieſts, will diſturb the Peace and Quiet of human Societies, by oppoſing the Powers that be: If by ſo doing they incur the ſevereſt Puniſhments here, as well as Eternal Torments hereafter, with thoſe damn'd ill-natur'd Spirits, the grand Enemies of Mankind, who at firſt poſſeſs'd men with theſe Maxims ſo pernicious to human Societies, they muſt thank themſelves and their too great Subtilty.

Primitive Chriſtians great Compliers with Revolutions.

The primitive Chriſtians all along comply'd with the Revolutions of the Empire, and whoever was in poſſeſſion of it, without examining his Title, paid him Allegiance, and thought him inveſted with God's Authority: And as the *Goths* and *Vandals*, and other barbarous Nations on the one hand, and the *Saracens*, *Turks* and *Perſians* on the other, without any juſt Cauſe overturn'd the *Roman* Empire; the Chriſtians were ſo far from diſputing their Titles, or refuſing to transfer their Allegiance to them, that they never ſcrupled to own their Government. If theſe Phariſaical Notions had then been believ'd or practis'd, thoſe Nations would have extirpated all the Profeſſors of Chriſtianity as Enemies to Government and Order, inſtead of being converted to their Religion, as moſt of the Northern Nations were. Nor do the Chriſtians that now live under the Dominions of the Infidels vary from this primitive Practice, or ſcruple to transfer their Allegiance to any that gets poſſeſſion of the Sacred Office of Governing, tho the legal Prince be ſtill alive. Did not the Jews, tho they were commanded by a Divine Law to take a King from amongſt their Brethren, and God himſelf had intail'd the Crown on the Poſterity of *David*, practiſe the ſame as they fell under the Power of the four great Empires? And did they not ſubmit to *Alexander* without endeavouring to oppoſe him, when *Darius*, to whom they had ſworn Obedience, could no longer protect them?

I ſhall

I ſhall add but one Inſtance more, and that ſhall be of *David*, who thought it not unlawful, when *Saul* deſign'd to take away his Life, to transfer his Allegiance, and fly to *Achiſh* King of *Gath* for protection, who made him Keeper of his Head, or Captain of his Guard: and whilſt he was under his protection, he thought it his Duty to pay all manner of Allegiance to him; and (tho contrary to his Intereſt, and the hopes he had of being King after *Saul*'s death) even to join with the Uncircumcis'd to invade his own Country, and to fight againſt the *Lord's Anointed*, his late King and Father-in-law; and, as appears by 1 *Sam.*29.8. was much griev'd, and humbly expoſtulateth with the King for not permitting him to attend him in the Battel; *But what have I done? or what haſt thou found in thy Servant, ſo long as I have been with thee until this day, that I may not go and fight againſt the Enemies of my Lord the King?* *Saul* by deſigning to deſtroy *David*, had freed him from the Allegiance he owed him; for he that deſigns to deſtroy a Perſon, cannot have a mind to govern that Perſon; and if he will not govern him, he is free from his Government, and at liberty to pay his Allegiance where he thinks beſt. And if *David* expected from the King of *Gath* an univerſal Protection from all his Enemies, he ought to pay the King an univerſal Obedience.

The Caſe of David *under* Saul.

David *had protection from the King of* Gath.

If a private Perſon be freed from the Government that deſigns to deſtroy him, the Argument will hold as ſtrongly in behalf of a Nation that is deſign'd to be deſtroy'd; and whoever attempts it, does not only renounce the Government of the Nation, but puts himſelf in a ſtate of War, and declares himſelf an utter Enemy to them, who are as much oblig'd to reſiſt him, as they are any other Enemy.

Upon this Head the Jews, in the time of the *Maccabees*, took up Arms againſt their legal King *Antiochus* (whom they all along acknowledg'd as ſuch, and who was Succeſſor to *Alexander*, who had the ſame right to their Obedience as the *Perſians* or *Aſſyrians* had) who was reſolv'd to extirpate them if they would not turn Idolaters. And it is manifeſt that God by the miraculous Aſſiſtance he gave them (for what they did muſt be imputed to more than human Force) did approve of their Deſign. And the ſame Reaſons will juſtify any Nation for oppoſing that Prince that does endeavour upon a religious or any other Account to deſtroy them.

The practice of the Maccabees.

By what hath been ſaid I hope it is plain, that by the poſitive Law of God, by the Law of right Reaſon, by the Law of Nations, the univerſal Practice of Mankind, and the expreſs Law of the Land, Obedience is due to the King who does actually govern the People, and therefore to the preſent King and Queen, tho they did not enjoy the Crown (vacant by the late King's Abdication) by any legal Right; which Right I think has been ſufficiently demonſtrated by thoſe that have writ on that Subject, at leaſt to Lawyers, and men that are competent Judges in ſuch Points; of which a great many are no more competent Judges, than they are of Mathematical Demonſtrations, which are nevertheleſs Demonſtrations: but none can be miſtaken who they are that do actually govern the Nation; and if Obedience for that Reaſon be due to them, other Inquiries are needleſs.

Therefore I ſhall only add, That nothing could be more Juſt, more Glorious, more Meritorious, than the Prince's coming over to reſcue three Nations from Slavery and Ruin, by obliging the late King (which by all poſſible ties he was bound to) to govern according to Law: To which he was ſo averſe, that he reſolv'd not to govern at all if he could not govern Arbitrarily; which when he plainly ſaw he could not effect, he threw up the Government: Which, whatever Force may be pretended, muſt be eſteem'd a voluntary Action, becauſe he might have prevented it by governing according to Law; according to that known Axiom, *Involuntarium ex voluntario ortum habens moraliter pro voluntario habetur.*

The Throne being actually vacant by his deſerting it; What Reaſon could hinder the Prince from accepting what was his Right, when offer'd him by the Convention of the States of the Kingdom? who (when the Throne is actually vacant, and it is not clear whoſe Right it is) are, and have always been, the ſole proper Judges to determine to whom it belongs; whoſe Judgments muſt give a legal Right, becauſe all legal Rights are held by no other Tenure than the Decree of the Supreme Judges.

The Nation the only Judg of the Vacancy of the Throne.

But ſuppoſing the King had no legal Right, and that the Convention were not legal Judges; yet if choſen by the Nation, to determine, upon the late King's leaving it, what was neceſſary to be done for the preſervation of the Nation, it being neceſſary that ſomewhat ſhould be reſolv'd on; that Neceſſity would give them a ſufficient Right to do whatever they found neceſſary for the preſervation of the Nation: Becauſe no Nation can be brought to that condition, but it muſt have a

Right to act for its own Safety, which it cannot do if it have not a Right to appoint Judges to determine what is to be done, and oblige particular Perſons to ſtand to their Determinations.

And the Convention ought, if they thought it (of which they were appointed the Judges) for the Safety of the Nation, wholly to exclude the late King. And why might they not, if they thought the Nation could not be ſafe if he ſhould return, be wholly againſt his return, as well as the *Jacobites* themſelves (for there were none of another Opinion then) be againſt his return, but upon ſuch Terms and Conditions as they thought neceſſary for the ſafety of the Nation? And the ſame Neceſſity that will juſtify the late Archbiſhop for conſenting to put the Sovereign Adminiſtration of Affairs into the Prince's hands, will juſtify the Convention for continuing it in the hands of the King, who alone could ſecure the Nation; and who had ſav'd them before he rul'd them, and to whom it was owing that they could call any thing, even their Lives, their own. Which if it be not the beſt Title to a Crown, yet at leaſt is the beſt Title to Peoples Hearts and Affections when he is poſſeſt of it, eſpecially when the chief Advantage he gains by it, is but to expoſe his Sacred Perſon for the Security of the Nation: And the enlarging his Empire has only encreas'd his Cares and Concerns for the Safety of thoſe he governs: And all the Satisfaction he reaps (which to a God-like Mind is the greateſt) is the Power to oblige and to do good.

Jacobites againſt K. J's return.

The Nation is happy in having a King whom they can truſt; not only becauſe his Intereſt is the ſame with theirs, but becauſe, as all the Actions of his Life have demonſtrated, no Conſideration of his own could ever divert him from acting what was beſt for the Cauſe he was engag'd in; and who is as famous for being true and juſt to his Word, as his Enemies are infamous for breaking their moſt Sacred Oaths, and Solemn Leagues. In a word, He is a Prince that has the Virtue, the Fidelity, the Integrity of *Cato*, as well as the Bravery, the Courage and Conduct of *Cæſar*. Never did the happineſs of the beſt part of Mankind depend more upon a ſingle Life than now: Nations differing in Religion, and all things elſe, do unanimouſly agree in acknowledging him to be their chief Support, the Head, the Heart, the Hand of the Confederacy; and to him they confeſs that it is owing, that the Chains that have been ready to fetter *Europe*, have been more than once broken. To be the Preſerver of *Europe*, is a much more glorious Title than to be the *Conqueror* of it: To which may be added the moſt excellent of all Titles, *The Defender of the Faith*; which (tho others have claim'd of courſe) he beſt deſerves; ſince to him it is owing that the true Faith is publickly profeſt any-where, and in theſe Nations (which is a Bleſſing cannot be bought too dear) without Cruelty or Perſecution: *For a Nation is conſtantly in a ſtate of War within it ſelf, where one Party is perſecuting and ruining another, about things which are in themſelves indifferent, and no ways tend to promote the Publick Good.* In ſhort, There can be no advantage, but what the Nation may juſtly expect from a King ſo zealous to promote their Good, and ſo able to perform what he undertakes.

K. William's Character.

CHAP. XIV.

Some Conſiderations touching the Preſent Affairs.

BUT it may be objected, *How can the Nation propoſe any Happineſs to themſelves by this Revolution, ſince by it they are at ſo great Expence to maintain a War againſt ſo powerful an Enemy?*

Anſw. The more powerful the Enemy is, the greater was the neceſſity of this Revolution; for if now the Confederates are ſcarce an equal Match for *France*, how eaſily would they have been over-run if *England* (which is the moſt favourable that could have been expected) had ſtood Neuter? And when they had been ſubdu'd, what could have hinder'd the *French* King, being then ſo potent both by Sea and Land, from conquering this Iſland? What oppoſition could the Militia, join'd with a few raw and unexperienc'd Troops (for it is this War has made them otherwiſe) tho headed by a Commander of ſo invincible Courage as the late King, make againſt his regular and numerous Troops? But ſuppoſe the *French* King, who is ſo famous for keeping his Royal Word, would not have conquer'd *England* when he might; what could have hinder'd the late King, aſſiſted by *France*, from uſing this

The neceſſity of the preſent War.

this Nation, as his Cruelty, Covetouſneſs, Bigotry or Jeſuits could have inſpir'd him? The *French* King, had he been defective in ſo fundamental a Point of Religion, would have oblig'd him, as he did the Duke of *Savoy*, to have extirpated all the Hereticks. *England* would have been perhaps by this time a Rendevouz of *French* and *Iriſh* Apoſtolick Dragoons; or what is worſe, a Neſt of Prieſts and Jeſuits. And what milder uſage can the Nation expect if the late King, who is under ſuch Obligation to *France*, and incens'd, as he thinks, by ill Treatment, ſhould return? Ought they not, except they are ambitious of being roaſted by a *Smithfield* Fire, or are in love with the manly Exerciſe of rowing in the Gallies, to do their utmoſt endeavour to ſtop the farther Progreſs of *France*, which only prevails becauſe their Armies are more numerous? If there were more Forces rais'd (the Nation being ſo far from wanting Men, that it can ſpare thirty thouſand, by eaſing the Pariſhes of thoſe idle People who are burdenſom to them) ſufficient to equal thoſe of the *French*; there is no reaſon to doubt but the *Engliſh* would beat them, as they have always done, when the Numbers have been any thing near equal, and force them to quit other places as ſhamefully as they did *Ireland*.

The two late Reigns advanc'd the Power of France.

The Misfortune is not that we have now a War with *France*, but that it was ſo long delay'd; and whatever the Nation now ſuffers, they wholly owe it to the two late Kings, who inſtead of hindring when they might the growing Greatneſs of *France*, did under-hand aſſiſt and contribute, as far as they durſt, to increaſe the exorbitant Power of that Kingdom. Tho the Charges of the War, it is true, are burdenſom, yet they are common to almoſt all *Europe*; nor are they ſo great as ſome People repreſent them, ſince it does cauſe little or no alteration in Peoples way of living; the ſame exceſs in Apparel, and every thing elſe, and the Intereſt of Mony being as low as ever (at leaſt it would be ſo, did not the King's taking up ſuch large Sums at ſo great an Intereſt, raiſe the Intereſt of Mony even among others) are a demonſtration of its Plenty: And the native Commodities of the Country bearing a much better Price than formerly, chiefly by reaſon ſo much is taken up for the King's uſe upon account of the Army or Fleet, muſt more than repay the Country for what it contributes to the War. The Taxes themſelves are not ſo much a burden, as the unequal way of raiſing them, and obliging people to pay ſo much Mony at one time; which cannot well be prevented but by an Exciſe, which would make them ſo eaſy and ſo equal, that they would hardly be felt. But if they were more burdenſom than they are, paying of them for ſome time is abſolutely neceſſary to preſerve their All for ever.

In the primitive Times, the Chriſtians (eſpecially the Clergy) would not only diſpoſe of their own, but even what was dedicated to pious Uſes, and ſell the Plate that belong'd to the Altar, to redeem a Soul from Slavery: Why ſhould they not now be as zealous to ſecure Millions of Souls, three Nations, and their Poſterity, from a Bondage both Spiritual and Temporal, worſe than *Egyptian*; or at leaſt encourage People by their Precept and Example, freely to contribute to a War upon which depends the Safety of the Church as well as State; a War ſo holy, that if the Cauſe alone could make them Martyrs, all that die in it are ſuch?

But to conclude, I hope I have demonſtrated, That it is the Duty of all People to bear true Faith and Allegiance to the preſent Government, by Reaſons and Arguments which are as firm as Government it ſelf, and which will endure as long as that, becauſe built upon the ſame Foundation, *The Good of Societies*; and which may ſerve for Directions in all Changes and Revolutions, as well as for the Juſtification of that happy one, which (by the Bleſſing of God upon his Majeſty's Heroick Endeavours) preſerves us in the enjoyment of all our Happineſs both Spiritual and Temporal.

An Essay concerning the Laws of Nations, and the Rights of Sovereigns.

With an Account of what was said at the Council-Board by the Civilians upon the Question, Whether their Majesties Subjects taken at Sea acting by the late King's Commission, might not be look'd on as Pirates?

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By Mat. Tindall *Doctor of Laws.*

Extreme Malice of the Jacobites.

THE Malice of the *Jacobites* is so restless, that it omits no Opportunity to raise Stories, tho ever so false and improbable; scruples at no Means, tho ever so base and dishonourable, to reflect upon and expose the Government. What have they not said against it, for designing to try as Pirates those who accepted Commissions from the late King, to take the Ships and Goods of their Majesties Liege Subjects? So strangely afraid are they, that People should be discourag'd from disturbing the Trade and Commerce of the Nation. And to make what they report the more colourable, and the injustice of trying them (contrary, as they say, to the known Laws of Nations) apparent, they have every where dispers'd false Accounts of what was said by those Civilians, who when consulted by the Privy Council upon this Question, *Whether their Majesties Subjects taken at Sea, acting by the late King's Commission, might not be look'd on as Pirates?* were of opinion, that by the Laws of Nations they ought to be so. Whose Reasons (besides all the Dirt imaginable that they have thrown on their Persons) they have so represented, by altering or leaving out what was most material, as to make them appear ridiculous.

The Duty I owe to the Publick, since no better Pen has attempted it, will oblige me to give an impartial Account of the whole Proceeding; which will be sufficient to wipe off all the Lies and Calumnies they have dispers'd, and to persuade all impartial Persons, that those who were taken acting by the late King's Commission at Sea, ought by the Law of Nations to be condemn'd as Pirates.

But that the Reader may better apprehend and judg of the Reasons that were urg'd on both sides, and of the Question it self; it will be necessary to shew what the Laws of Nations are, and how far Kings and other Supreme Governors are concern'd in them.

Laws of Nations in the Case.

The Laws of Nations are certain Rules and Customs observ'd by Nations in their Intercourse with one another; which upon the account of their evident and common Profit, as they are necessary for their maintaining a mutual Correspondence, have been constantly practis'd by them, and are esteem'd as Sacred. They are built upon no other Foundation than the general Good of Societies, to which a mutual Correspondence, that could not be upheld but by observing these Rules, is highly necessary.

The

The ſeveral Legiſlative Powers of Nations never enacted ſuch Laws; nor have all other Nations Authority to oblige any Sovereign Independent State, which can no otherwiſe be bound to obſerve theſe Rules, but as they tend to the mutual Good of Societies. *Law of Nations deſcrib'd.*

So that the Law of Nations and Nature, is in effect the ſame. The Law of Nature (I mean that part of it which concerns the Duty of Man to Man) is nothing elſe but that mutual Aid and Aſſiſtance, which by reaſon of their common Neceſſities one Man owes to another, without the Obſervance of which Mankind could not well ſubſiſt. Which Law, as it reſpects the Duty of ſingle Perſons to one another, is call'd the Law of Nature; but as it reſpects Men collectively as they are Bodies Politick, and the relation they have to one another as ſuch, is call'd the Law of Nations; who in reſpect of one another are in the State of Nature, and in their mutual Correſpondence are bound by no other Laws than thoſe of Nature.

Tho it is generally affirm'd by Authors, that there are many things which are merely poſitive, and in themſelves indifferent, that are part of the Law of Nations; yet they no way endeavour to prove it, or pretend to ſhow how long any thing muſt be practis'd, or among how many Nations, to make it an univerſal ſtanding Law to all Nations.

In a civil Society, Cuſtoms grow into Laws, becauſe it is the Will of the ſupreme Power they ſhould. Cuſtoms are their preſum'd or unwritten Will, which they by their expreſs Will may alter as they pleaſe. But among different Nations, there is no common Legiſlative Power; but every Nation is at liberty to act as it pleaſes. Nor can any Nation be preſum'd to tie it ſelf up further than their own, or the common Good of Societies do require it: Nor can they by any Cuſtoms, tho of ever ſo long continuance, if they are in their nature indifferent, be any longer bound than they pleaſe; provided they publickly declare, that as they intend not to uſe them any longer themſelves, ſo they leave others the ſame liberty. A Nation, it is true, ought not lightly to change what they have generally practis'd, it looks like affecting Singularity, and being as it were out of the Faſhion; but if they do, they break no Law. But I dare be poſitive, that there is no Cuſtom, except what is obligatory by the Law of Nature, that is univerſally receiv'd; but in different parts of the World different Cuſtoms have obtain'd, and even among the ſame Nations at different times different Practices, which are frequently chang'd, without any Violation of the Law of Nature; and there is nothing merely poſitive, but where Precedents may be brought on both ſides, which ſheweth the thing may, or may not be done, without injury to the Law of Nations. *Cuſtoms when do they grow into Laws.*

Among the Heads of the poſitive Law of Nations, That concerning Embaſſadors is reckon'd one of the chiefeſt: Yet what is more different than the Cuſtoms of Nations, or the Opinions of Learned Men about thoſe Rights that belong to Embaſſadors, further than they are deducible from the Law of Nature? by which Law the Perſons of Embaſſadors ought to be inviolable, even when ſent to Enemies; becauſe Peace could not be made or preſerv'd, or Differences compos'd, which the Law of Nature requireth ſhould be done, except thoſe that are ſent on ſuch Errands, ſhould not only be ſafe, but alſo permitted to treat with Freedom, and procure as advantageous Terms as they can, for the Intereſt of the Nation that imployeth them? What is more than this, or is not neceſſary for the ends they are ſent, any Prince may refuſe it them, provided he be willing his Embaſſadors ſhould be treated after the ſame manner; and not only to Embaſſadors of Sovereign Princes, but to any that are ſent by private Perſons (as by Merchants upon the account of Trade) if Princes will admit them to treat, they muſt allow them what is neceſſary in order to it. And further than this, nothing of certainty can be drawn from the Practice of Nations. Nay *Grotius*, who is the great Aſſerter of the poſitive Law of Nations, in his Chapter *de legationum jure*, ſaith, that even this Queſtion, Whether the Perſons of Embaſſadors are inviolable? cannot be determin'd by the Practice of Nations; *De non violandis legatis difficilior eſt quæſtio & variè & a claris hujus ſeculi ingeniis jactata, &c.* and at laſt concludes, *Spectandum ergo quoſque gentes conſenſerint, quod ex ſolis exemplis evinci non poteſt, extant ſatis multa in partem utramq; recurrendum igitur tum ad ſapientum judicia tum ad conjecturas.* Where Nations have neither expreſly declar'd, nor are there Examples enough whereon to found their tacit Conſent, there can be no Obligation from the Practice of Nations, but from the Matter it ſelf, as it is conducive to the Good of Societies; upon which alone the Judgment of wiſe Men, as well as all other Conjectures, muſt be founded. *Concerning Embaſſadors.*

What

Poſitive Law of Nations.

What looks more like the poſitive Law of Nations, than that general Cuſtom of Princes having Perſons of publick Characters perpetually reſident in one anothers Kingdoms? Yet *Grotius* ſaith in the foregoing §. *Optimo autem jure poſſunt rejici quæ nunc in uſu ſunt legationes aſſiduæ, quibus quam non ſit opus docet mos antiquus cui illæ ignotæ.*

To give but one Inſtance more, and that too out of *Grotius*, who does not pretend to prove any thing from the voluntary Law of Nations concerning this moſt comprehenſive Queſtion, *Quantum in bello liceat*, but has wholly recourſe to the Law of Nature; lib. 3. chap. 1. *Quantum in bello liceat regulæ generales ex jure naturæ.* And §. 5. *Quid liceat in eos qui hoſtes non ſunt aut dici nolunt, ſed hoſtibus res aliquas ſubminiſtrant? nam & olim & nuper acriter de ea re certatum ſcimus, alii belli rigorem alii commerciorum libertatem defenderint, &c.* And adds, *Hanc autem quæſtionem ad jus naturæ ideo retulimus, quia ex hiſtoriis nihil comperire potuimus ea de re jure voluntario gentium eſſe conſtitutum.* If in theſe material Points, which conſtitute ſo great a part of the Law of Nations, nothing that is merely poſitive can be deduc'd from the tacit Conſent of Nations, it is very unlikely that any thing of that nature can be prov'd in Points of leſs importance.

From each of which Points, Examples, had it been neceſſary, might as eaſily have been produc'd. Nothing can more diminiſh from the Sacredneſs of the Law of Nations, than to allow it no other Foundation than the Practice of the generality of Sovereigns; who like other Men, are govern'd by Paſſion, Intereſt, Ambition, Revenge, and the like; and who are ſo far from minding the general Good of Mankind, that they very often ſacrifice the Happineſs and Proſperity of their own Nations to theſe Paſſions. How many things are now look'd on as lawful in War, and daily practis'd, which are againſt all Humanity as well as Chriſtianity; which in former Ages were by ſeveral Nations eſteem'd a Violation of the Laws of Nations?

General Practice of Sovereigns no Foundation of Law.

There is no Subject, about which there are more Miſtakes, or which is more confuſedly handl'd by Authors, than this of the Law of Nations; they referring many things to that Law, which are no part of it: even *Grotius* himſelf, who has writ the moſt accurately on this Subject, beſides other leſſor Errors, has a whole Chapter *de jure ſepulturæ*, as a part of the voluntary Law of Nations. The burying of the Dead is, I confeſs, an Office of Humanity, and a matter of Decency; but I can ſee no reaſon why it ſhould be reckon'd as a part of the voluntary Law of Nations, more than wearing of Clothes, or twenty other things Mankind generally do, either out of Neceſſity, or Conveniency, or for other Reaſons than the voluntary Law of Nations, or upon the account of any tacit Agreement between them. Several err more groſly, miſtaking thoſe Privileges which the Roman Law allow'd to Foreigners in common with their Citizens, for the Law of Nations, only becauſe the *Romans* call'd them *jus gentium*, to diſtinguiſh them from thoſe particular Privileges or Advantages the Citizens had above them, which they call'd *jus civile*: What they call'd *jus gentium*, was as much a part of the Law of that Nation, as the *jus civile*; which no other Nation was oblig'd to obſerve, but might allow more or leſs Privileges to Foreigners or Citizens as they thought fit. Others (which Miſtake is moſt common) call that the Law of Nations, which is the Law of Nature properly ſo term'd, and relates to particular Perſons, with reſpect to one another; or elſe they miſtake the Laws of different Countries, when they happen to be the ſame, for a part of the Law of Nations; which tho they be the ſame in ſeveral Nations, yet they have not their Force and Authority from any tacit Compact, but becauſe the ſupreme Powers in each Society have made them Laws, which any one of them may alter without any Violation of the Laws of Nations; becauſe every Nation is a compleat Body-Politick within it ſelf, and may make what Laws, appoint what Government or Governours, and manage their own Affairs within themſelves as they think fit.

Sepulture, if part of the Law of Nations.

The Roman jus civile *and* jus gentium.

The Laws of Nations relate to their mutual Commerce and Correſpondence, which cannot be maintain'd but by having recourſe to thoſe who have the Power of making Peace and War, and all other Contracts for the Nations they repreſent; whoſe Acts are the Acts of the whole Bodies, and bind the Members as much as if each particular Perſon had conſented. It is upon the account of the Power of making theſe Contracts, that the Governours of each Society are allow'd above all others certain Prerogatives by other Nations, over whom they have no Authority, who are no otherwiſe or further concern'd with them, but as they have the Power of making Contracts for the Nations they rule. As it is for their own Intereſt that private

Laws of Nations as to Commerce.

private Men make Bargains with one another, ſo (as I have obſerv'd in another Eſſay concerning Obedience, *&c.*) the Correſpondence that one Nation holds with another is for their own Good; and in their Commerce with one another, they look no further than who thoſe Perſons are that have the Power of obliging the Nation they have occaſion to make uſe of. It is not material to them what Right they have to this Power; it is ſufficient that the Nation then owns them, and have entruſted them with it. It would be an endleſs, as well as a uſeleſs Task, for Embaſſadors before their Admiſſion to prove the juſt Rights their Maſters have to thoſe Powers they are poſſeſs'd of: and other Princes may well be ignorant of what does not concern them; who, if they have occaſion to treat with any other Nation, muſt apply themſelves to thoſe (whatever Right they have to it) that are in poſſeſſion of the Government. Would it not be ridiculous in the *Engliſh*, or any Nation who propoſe an Advantage to themſelves by it, to refuſe to treat with the preſent Emperor of the *Turks*, and to allow him thoſe Rights that belong to Sovereign Princes, becauſe his depos'd Brother may have a better Title? Did not the moſt conſiderable Nations of *Europe* court the Friendſhip of *Cromwel*; and the *French* King to obtain it, oblige the two late Kings, then in his Country, to retire from it, without being condemn'd by others, or even by them? And did not all Nations with whom the late Protector had any Concern, allow him both in Matters of Peace and War, all thoſe Rights that belong to Sovereign Princes? No Prince is oblig'd to hold Correſpondence, but may refuſe to ſend or receive Embaſſadors; as all Proteſtant Princes deny to hold any Coreſpondence with the Pope, tho he is a Sovereign Prince: Yet if one Nation has any Concern with another, they muſt allow the ſame Rights and Privileges to the actual Governour of that Nation, as they expect ſhould be paid to their own. And if a Nation be divided, by a part of them withdrawing their Obedience from the rightful Prince, not only other Sovereigns, but even their lawful one, if he has occaſion to treat with them either in Matters of Peace or War, muſt treat them after the ſame manner, as he expects to be dealt with himſelf.

How Leagues and Treatys oblige Nations.

All Leagues and Treaties are National; and where they are not to expire within a ſhorter time, tho made with Uſurpers, will oblige legal Princes, if they ſucceed, *& vice verſa:* and a League made with a King of any Nation, will oblige that Nation, if they continue free, tho the Government ſhould be chang'd to a Commonwealth, becauſe the Nation is ſtill the ſame, tho under different Governments. Which *Grotius* obſerves, l. 2. c. 16. *Imo etiamſi ſtatus civitatis in regnum mutetur, manebit fœdus, quia manet idem corpus etſi mutato capite; & ut ſupra diximus, imperium quod per regem exercetur, non deſinet imperium eſſe Populi:* In whoſeſoever Hands they intruſt the Management of it, yet ſtill it is the *Imperium Populi*, the Empire of the People; the Leagues which Princes make with one another, do not oblige them to one another, longer than they are in poſſeſſion of their Governments; becauſe the ſole Reaſon of Leagues and Contracts is on the account of the Power each Nation has to afford mutual Aſſiſtance and Benefit to one another: which Reaſon ſtill continues, tho the Perſon intruſted with the Power of making them be chang'd; who then is no further concern'd therein, than a Proctor is with a Cauſe after the Revocation of his Proxy.

Upon this Reaſon King *Charles* the Firſt, tho he made a League, and confirm'd it with an Oath, with the King of *Spain* expreſly as he was King of *Portugal*, did notwithſtanding immediately after receive two Embaſſadors from the new King of *Portugal*, who had driven out the *Spaniard*; and this was not look'd on at the Court of *Spain*, either as breaking his League or Oath.

The Power of making Treaties for Trade and Commerce, where lodged.

All the Rights and Privileges Princes are allow'd by Foreign Nations, over whom they have no manner of Authority, is upon the account of the Power they have of making Contracts for the Nation they govern; which Power when they loſe, and no Nation is any longer oblig'd or concern'd in their Actions, they have no more Right to theſe Privileges than they had before they had this Power. But becauſe the ſame Intercourſe will always be neceſſary between Nations, and Leagues and Contracts muſt be made, which cannot be made with the whole Body, but only with thoſe who have the ſupreme Power, nor with them neither, except they be allow'd thoſe Rights and Privileges the diſpoſſeſs'd Princes had; therefore there is an abſolute Neceſſity of granting them the ſame; and the others muſt loſe them with their Dominions, becauſe more than one at the ſame time cannot have the ſame Right, for the ſame Nation. And tho the King of that Country, to which a diſpoſſeſs'd Prince retires, allows him what Honours or Privileges he pleaſeth, as every ſupreme Power is at liberty to act in his own Dominions as he has a mind to, and

beſtow his Favours as he thinks fit; yet the titular Prince has no Right by the Law of Nations to claim any of thoſe Privileges that belong to thoſe that have *ſummum Imperium*, or any more than what belong to other private Perſons. What Right can he claim by the Law of Nations, when no Nations are any way concern'd in his Actions? All Nations, but his own, diſtinguiſh'd him from others, on no other account, than as he had the Power of making national Contracts. Which Power when he loſeth, the Reaſon of allowing him any particular Privileges above others, wholly ceaſeth. And his own Nation, when they have entruſted the Management of their Affairs in other hands, are no more concern'd with him than Foreigners are; ſo that ſuch a Prince is wholly reduc'd to a private Eſtate, without a Kingdom, nay without a Country that he can call his own, and at the beſt can be only eſteem'd a Subject, during his ſtay, to the Government of that Society he retires to, becauſe there cannot be *Imperium in Imperio*, or more than one Sovereign in the ſame Society. Where he is ſo far from having a Power of making Peace or War, or any other national Contracts, that he cannot without leave ſend to Princes, or receive any ſent by them, much leſs allow them that are ſent the Privileges due to Perſons of a publick Character: and it would be unreaſonable that Sovereigns ſhould be oblig'd to allow thoſe Privileges to him, who is uncapable of returning 'em. And it is evident, that Sovereigns have none of thoſe Reaſons to forbear exerciſing a coercive Power over him, as they have over an Embaſſador, who, as *Grotius* ſaith, *c. de. leg.* if he commits *crimen atrocius, & ad publicum malum ſpectans, mittendus erit ad eum qui miſit, cum poſtulato ut eum puniat, aut dedat.* But to whom can a diſpoſſeſs'd King be ſent, or who will ſatisfy for any Crime he commits? Why may he not be puniſh'd without Violation of the Laws of Nations, or Injury to any Nation whatever, ſince no Nation owns him ſo much as to be of their Body? Therefore the King in whoſe Dominions he is, may, if his Crime deſerve it, puniſh him with loſs of Life, as Queen *Elizabeth* of bleſſed Memory did *Mary* Queen of *Scotland*.

Uſing the Protection of a Government makes one a Subject of it.

There is no Reaſon in nature, either from other Nations, or from the Perſon himſelf, why he may not be puniſh'd by that Government under which he lives, as well as any other that makes uſe of the Protection of it. For whoſoever makes uſe of the Protection of any Government, owns himſelf (as I think I have ſufficiently prov'd in my Eſſay above-mention'd) a Subject of that Government, and conſequently makes himſelf liable to be puniſh'd if he tranſgreſs the Laws. And *Grotius* ſaith, *cap. de. leg.* It is the Law of Nations, that all but Embaſſadors are Subjects to the Prince in whoſe Territories they are; his Words are clear: *Placuiſſe gentibus ut communis mos qui quemvis in alieno territorio exiſtentem ejus loci territorio ſubjicit, exceptionem pateretur in legatis, ut qui ſicut fictione quadam habentur pro perſonis mittentium (ſenatus faciem ſecum attulerat, auctoritatem Reipublicæ, ait de legato quodam* M. Tullius) *ita etiam fictione ſimili conſtituerentur quaſi extra territorium.* It is only their mutual Good that hinders Princes from exerciſing this Right over Embaſſadors, becauſe each Prince expects the ſame for his own in another's Territories; but there can be no ſuch Reaſon urg'd in favour of a diſpoſſeſſed King, who carries no publick Authority with him; or in what other Country ſhall he be ſuppos'd to be, ſince he has no Country he can call his own?

An abdicated Prince is only a private Perſon, & can give no Commiſſions to make War on other Nations.

Having prov'd in general, that a Prince that has no longer the managing the Affairs of a Nation, has no Right to any of thoſe Privileges which belong to them that have *ſummum Imperium*; and therefore ſuch a Prince being fallen from a publick to a private Condition, and under the Power and Government of another, can have no more Right than any other private Perſon to grant Commiſſions to private Men of War to diſturb the Trade and Commerce of any Nation; and that they who act by his Commiſſion may be dealt with, as if they acted by their own, or the Authority of any private Perſon; becauſe there is no manner of inconvenience which will happen upon a private Perſon's granting ſuch Commiſſions, but the ſame will happen, if a Prince grants them after he is reduc'd to a private Condition, they being both then in the very ſame Condition: I ſay, having prov'd all this, What other way have Nations to ſecure their Trade, or hinder their Ships or Goods from being taken, but by treating them as Pirates who rob by ſuch a Commiſſion? There is no way of making a titular King weary of granting ſuch Commiſſions, as long as he can find People willing to accept and act by them. Nothing can oblige him, who runs no riſque of loſing any thing, but may get a conſiderable Booty by what his Privateers take, as well as diſturb and moleſt his Enemies, to forbear granting ſuch Commiſſions. No Repriſals to be made, becauſe he has no Ships to loſe but thoſe of the Privateers, whoſe Intereſt it is that ſuch Robberies

No Repriſals to be made on one who has no Dominions.

ſhould

ſhould be continu'd. He has no Trade or Commerce to be ruin'd. There is no way of making him deſiſt by invading his Territories, ſince he has none to be invaded. In ſhort, he has nothing to loſe by Sea or Land, and by conſequence no way of making him weary of eternally granting ſuch Commiſſions. Therefore Nations have no other way to hinder the diſturbing their Commerce, but by uſing the utmoſt Rigor againſt ſuch as accept his Commiſſions, that by the Terror of the Example they may fright others from attempting the like.

What if ſuch a Prince ſhould grant Commiſſions to ſeize the Ships and Goods of all or moſt trading Nations, which may eaſily be ſuppos'd, ſince he may get a conſiderable Livelihood by ſharing the Spoil with his Privateers? who, if they were to be treated as Enemies, out of hope of Booty, would in mighty Numbers infeſt the Seas. Would it not be madneſs in thoſe Nations not to make uſe of the utmoſt Rigor to ſecure their Ships and Trade? And if ſeveral Nations may uſe this Method, why may not any ſingle one; ſince any one Nation has the ſame Right to ſecure their Trade, as any Number whatever? But ſuppoſing he ſhould grant Commiſſions to take the Ships but of a ſingle Nation, yet in effect it would be to grant a general Licence to rob; becauſe thoſe who are ſo commiſſion'd, would be their own Judges of whatever they took, whether it were lawful Prize or not; becauſe in another Prince's Territories whither the pretended Prizes muſt be brought, the outed Prince could not pretend to ſo great a Power, as to erect a Court of Judicature to judg according to the Maritime Laws, concerning the Ships and Goods that are taken. How can he whoſe very being in a Country is precarious, and may be baniſh'd every moment, claim a Right to a Power of Life and Death, or to force Witneſſes to give Attendance, and all other things that are neceſſary for ſuch a Court? Or how can he be able to reſtore Ships, tho ever ſo unjuſtly taken, that are in the Ports and Cuſtody of another King?

It is true, Sovereigns have ſometimes forborn to puniſh a titular King for privately deſtroying a Domeſtick; but this is no Right he can pretend to by the Law of Nations, but only by the Permiſſion of that King in whoſe Dominions he is. It was uſual for the ſupreme Powers in many Nations to allow Maſters a power of Life and Death over their Servants; inſomuch that *Caius Inſt. lege de his qui ſui juris vel alieni*, ſaith, *Dominorum poteſtas juris gentium eſt, nam apud omnes peræque gentes animadvertere poſſumus Dominis in ſervos vitæ neciſque poteſtatem fuiſſe.* And by the *Roman* and *Carthaginian* Laws, even Parents had the ſame power over their Children; and in ſeveral Countries at preſent, a private Perſon in many Caſes, particularly that of Adultery, may kill the Adulterer and his Wife too, if he takes them in the fact, without being puniſh'd for ſo doing.

In ſome places Maſters have a power of Life and Death over their Servants.

The Embaſſadors of Sovereign Princes, as *Grotius* obſerves, *l.* 2. *cap.* 3. have by the Law of Nations no Right to exerciſe Juriſdiction in their own Families: *ipſe autem legatus an Juriſdictionem habeat in familiam ſuam, & an jus aſyli in domo ſua pro quibuſvis eo fugientibus, ex conceſſione pendet ejus apud quem agit? iſtud juris gentium non eſt.* If the Embaſſadors of Sovereign Princes (who, as he ſaith, *fictione quadam habentur pro perſonis mittentium*) cannot pretend to this Power, there is infinitely leſs reaſon for a diſpoſſeſs'd King to claim a Power ſo much greater, *viz.* that of erecting publick Courts of Judicature.

Embaſſadors have no Juriſdiction in their own Families.

Therefore his granting Commiſſion to Privateers, is but granting them Authority to rob whom they have a mind to; who being Judges in their own Cauſe, cannot be ſuppos'd, but will judg all that comes to their Net to be Fiſh: and Nations have no reaſon to take notice of his Commiſſion, which can have no manner of effect; ſince he that grants it, is no ways able to hinder them that take it, from acting as they have a mind to; nor is he able to puniſh them, if they ever ſo much exceed the bounds of it; nor can he reſtore Ships, tho ever ſo unjuſtly taken; nor is he able to give any ſatisfaction for any Injuſtice his Privateers ſhall commit. So that it is evident it is againſt the Good of Mankind, and conſequently the Law of Nations, to allow a Prince that is reduc'd to a private Condition, a Right to grant ſuch Commiſſions.

Commiſſion to Privateers what in it accounted Robbing.

But it may be ſaid, that the Government under which this King is, may give him ſufficient Power to judg in theſe matters.

This Argument will as well hold for any private Perſon whatever, becauſe the Government may allow him the ſame Power as it can any exil'd Prince.

The Laws of Nations are built upon Certainties: and if a Perſon has no Right to a Power to which certain Privileges are annex'd, he has no Right to the Privileges, tho it were poſſible that a King may allow him ſuch Privileges, which he can

A Perſon having no right to the Power, has no right to the Privileges of that Power.

enjoy but during his pleaſure; and other Nations, as they are preſum'd to be ignorant of this, ſo are not oblig'd to take notice of it: nor can there be any Inſtance, where a diſpoſſeſs'd Prince was allow'd to erect a Court of Judicature in another King's Dominions; it is erecting *imperium in imperio*, and none but he that has ſupreme Power, can be a ſupreme Judg, and all inferior ones act as his Miniſters, and muſt be ſubject and accountable to him.

Perhaps it may be ſaid, The King himſelf, into whoſe Dominions the Prizes are brought, may judg concerning them.

But what if he will not? he is not oblig'd, nor can he have a Right to judg or puniſh thoſe that acted, not by his, but another King's Commiſſion, for what they did *ſuper altum Mare*; for he cannot have a Right to puniſh them, except they are his Subjects, even whilſt they acted by another's Commiſſion. And the ſame reaſon that makes them his Subjects, will make the exil'd King ſo too; and conſequently a private Perſon, without Power to grant Commiſſions to his Fellow-Subjects.

None are accounted Enemies, but thoſe that have Sovereignty.

All Authors both modern and antient who have written on this Subject, have eſteem'd none Enemies but thoſe that have *ſummum Imperium*, and all others either Robbers or Pirates. And *Albericus Gentilis*, *l.* 1. *de jure belli & pacis*, *cap.* 1. and *Grotius*, *l.* 3. *cap.* 3. do define an Enemy to be one, *qui habet Rempublicam, Curiam, Ærarium, conſenſum & concordiam civium, & rationem aliquam, ſi res ita tulerit, pacis & fœderis*; which in other words is but *ſummum Imperium*, becauſe the ſupreme Power in any Society muſt have all theſe. And this they prove was look'd on as the Definition of an Enemy, even in *Cicero*'s time, who quotes it, *Philip.* 4. as a known Definition or Deſcription of an Enemy. And I believe there is nothing in which Nations ſo unanimouſly agree, as in eſteeming none but him that has *ſummum Imperium* an Enemy, and all others Robbers or Pirates; and there can be no Inſtance given, where any, tho at firſt they were Robbers, Pirates, Rebels, &c. yet when they had Dominions, and poſſeſs'd *ſummum Imperium*, were not treated as Enemies. St. *Auſtin de Civ. Dei*, *l.* 4. *c.* 4. ſpeaking of Robbers, *Hoc malum ſi in tantum perditorum hominum acceſſibus creſcit, ut & loca teneat, ſedes conſtituat, civitates occupet, populos ſubjuget, Regni nomen aſſumet.* And the beginning of moſt of the great Empires were not much better; whatever any were at firſt, yet when they had form'd themſelves into Civil Societies, where Foreigners as well as Subjects might have Juſtice adminiſter'd, then they were look'd on as Nations and Civil Societies, and in their Wars with other Nations us'd as Enemies. But till any number of Men were a Civil Society, and did aſſociate for the ſake of Laws, Juſtice, Government, &c. they were eſteem'd as Pirates and Robbers; ſo all Authors do agree, that thoſe *Qui civitatem non faciunt ſunt piratæ vel latrones*, and are ſuppos'd to aſſociate *Sceleris cauſa*, for the ſake of Piracy or Robbery, or ſome other wicked end. But if, as *Grotius* obſerves, *l.* 3. *c.* 3. a Change happen, and they form themſelves into a Civil Society, than they have all the Rights that belong to other Civil Societies; his words are theſe: *Poteſt tamen mutatio incidere non in ſingulis tantum, ſicut Jephtes, Arſaces, Viriatus, ex prædonum ducibus juſti duces facti ſunt, ſed etiam in cœtibus, ut qui prædones tantum fuerint aliud vitæ genus amplexi, civitas fiant.* So of later years, *Argiers*, *Tripoli*, *Tunis*, tho at firſt but Neſts of Pirates, and aſſociated for the ſake of Spoil and Plunder, yet as ſoon as each of them had the face of a Republick, they were eſteem'd as juſt Enemies, and had all thoſe Privileges allow'd them that are due to Sovereign States.

When it is that People become Nations and Civil Societies.

The contrary Opinion examin'd.

Albericus Gentilis, *l.* 1. *c.* 4. ſeems to be of another Opinion; and after he has reckon'd ſome few, whom he is forc'd to allow that from Robbers they became Enemies, ſaith, it was the only Cauſe that made them ſo, *Quodque fiet non tam juſti exercitus auctu, & urbium interceptu, ut ſcriptores iſti, & alii Hiſtorici credere videntur, quam adeptione publicæ cauſæ.* However he is of this Opinion himſelf, yet he is forc'd to confeſs, that all the antient Hiſtorians and other Writers were of a different Opinion. If he mean by a publick Cauſe, a juſt Cauſe of War, and none but thoſe that have ſuch a Cauſe ſhould be treated as Enemies, all Mankind would treat one another as Robbers and Pirates; becauſe each Party pretend their Enemies have no juſt Cauſe of War, and there being no Superior to judg, each ſide muſt judg for themſelves; and where there is no common Judg in which both ſides will acquieſce, the pretence of Right can be urg'd to no purpoſe, ſince each ſide pretends to be in the right. So that there is a neceſſity for thoſe that have *ſummum Imperium*, whatever the cauſe of War be, to uſe one another as Enemies; and thoſe that have acted otherwiſe, have been eſteem'd by the reſt of Mankind as Infringers of the Law of Nations. It is true, ſome, eſpecially the great Conquerors, as

as *Alexander*, and the *Saracens*, as he obſerveth, have been call'd Robbers, and really were ſo; for whoever without a juſt Cauſe invadeth his Neighbours Rights, as they did, is a Robber: yet they were always treated as juſt Enemies, as were the *Saracens* by the Chriſtians. Nay, *Grotius* gives Inſtances of ſeveral Nations, who without any diſtinction exercis'd Piracy, yet were allow'd the Right of Enemies, becauſe they were a People: *Tantum diſcrimen eſt inter populum, quantumvis ſceleratum, & inter eos, qui cum populus non ſunt, ſceleris cauſa coeunt.* If *Gentilis* by a publick Cauſe means ſome national Cauſe, and that the War, to make it juſt, muſt not be for private Cauſes or By-ends, but for the ſake of the People; all that have *ſummum Imperium*, what way ſoever they get it, as it is their Duty to protect thoſe that are under them, and make War with thoſe that endeavour to oppreſs them, will have the ſame publick Cauſes of making War as any Kings whatever. As *Arſaces*, whom he mentions to have a publick Cauſe, and none to withdraw his Obedience from the *Macedonians*, who had been ſo long time lawful Kings of *Perſia*; yet after he had made himſelf Maſter of *Perſia*, might have a publick Cauſe, upon the account of that Nation, of making War. The ſame may be ſaid of all other Uſurpers.

Alexander and the Saracens accounted firſt Robbers.

As Robbers and Pirates become juſt Enemies, when they form themſelves into a Civil Society; ſo a King that loſeth his Empire, and can no longer protect People, or adminiſter Juſtice, dwindles into a Robber or Pirate, if he grants Commiſſions to take the Goods or Ships of any Nation: and they that accept a Commiſſion from him, are preſum'd to aſſociate *Sceleris cauſa*, and cannot be reckon'd as Members of a Civil Society; ſince he by whoſe Commiſſion they act, nor any other of their number, can adminiſter Juſtice, or do any of thoſe things that are eſſential to a Civil Society: there is none amongſt them, let them break the Laws of Nations, or any other Laws, to puniſh them; or let them be ever ſo injurious to other Nations, there is none to make Satisfaction or do Juſtice on the Offenders. And is there not all the reaſon in the World, that Nations ſhould do themſelves Juſtice in puniſhing the Criminals according to their demerits?

Pirates and Robbers become juſt Enemies, when form'd into a Society.

Whoever pretends to the Dignity of being eſteem'd an Enemy, muſt have a Power of making Peace and War; *Hoſtes ſunt, ait* Sempronius, *qui nobis aut quibus nos bellum decernimus.* So *Ulpianus*; *Hoſtes ſunt quibus bellum publice Populus Romanus decrevit vel ipſi Populo Romano, cæteri latrunculi vel prædones appellantur.* And *Grotius* ſaith upon quoting theſe Authorities, *lib.* 3. *cap.* 3. *Sub exemplo Populi Romani quemvis intelligi qui in civitate ſummum Imperium habeat*: There is no Government declareth War againſt a private Perſon, tho he retains the Title of a publick one; and it would be ridiculous for a private Perſon that has no certain Habitation, but is in a manner a Vagabond, to pretend to declare War, ſince he cannot do it for any Nation, but only for himſelf.

Who is to be accounted an Enemy.

The *Engliſh* have neither Peace nor War with the late King, and look on him as a private Perſon incapable of making either; and to allow him now any of thoſe Rights that belong to publick Perſons, would be in a manner acting inconſiſtent with themſelves, and contradicting their former Declarations.

The Caſe of the late K's giving Commiſſions.

As he that is reduc'd to a private Condition, has no Right by the Law of Nations to be treated as an Enemy; ſo on the contrary, whoever has *ſummum Imperium*, becauſe the general Good of Nations requires it, and conſequently it is a part of the Law of Nations, muſt have a Right to be treated as an Enemy: nay, it is the Intereſt of the adverſe Party, *flagrante Bello*, to treat even Rebels ſo; becauſe as they uſe them, ſo they muſt expect to be us'd themſelves. The Pretence of Right (as I have already ſaid) where there is no Superior to judg between the contending Parties, in whoſe Determination both ſides will acquieſce, is to no purpoſe. If one ſide call the other's taking up Arms Rebellion, they on the other hand term it a juſt War in defence of their Rights and Privileges; and will be ſure upon all occaſions to return like for like: So that it is plain, it is the mutual Good of both Parties to treat one another as Enemies. So in the Civil Wars of *England* and of *France*, and of the *Romans*, they treated one another as Enemies. It is true, that in the Civil Wars of the *Romans*, there was not, as in foreign Wars, any uſe of the *Poſtliminium*; nor did they triumph after Victory: But theſe were Cuſtoms proper to that State, and no part of the Law of Nations. In the beginning of the Civil Wars in the *Low-Countries*, the haughty *Spaniard* at firſt us'd the *Hollanders* as Rebels, but he quickly was weary of that Sport, and conſented to a Chartel.

Where there is no Judg, all pretend to Right.

For

The Caſe of the Iriſh *Rebels.*

For the ſame reaſon, the preſent Government, during the War, treated their rebellious Subjects in *Ireland* after the ſame manner: For as long as they had an Army in the Field, and were Maſters of fortify'd Towns, they were eſteem'd and us'd as Enemies. But what pretence can any of that Party have of being treated ſo now?

Would it not be very abſurd in the Tories, tho they plunder'd Paſſengers, and rob'd Market-people by the late King's Commiſſion, to expect to be us'd as Enemies? Is there any reaſon they ſhould be more favourably dealt with for robbing at Sea by his Commiſſion, conſidering they have no Fleet, no Ports, nor Harbours?

Objection anſwer'd.

But it may be urg'd in behalf of thoſe that have the late King's Commiſſion, that they ought to be us'd as Enemies, becauſe if they are us'd otherwiſe, all that they take muſt expect to be dealt with accordingly.

Anſw. The ſame Argument will hold for all other Pirates and Robbers, who may uſe all that fall into their hands, as they themſelves are us'd; and the Conſequence of granting them ſuch Uſage would be, that the Seas would be quickly full of Pirates, and the Land of Robbers. If it were for their Intereſt, there's no doubt Pirates would ſerve all they take ſo; but they know if they did, they ſhould not only miſs of the Booty they might otherwiſe expect by Peoples not being ſo much on their guard, but that moſt effectual means would be taken to extirpate them.

When the public Good requires it, Criminals may be mildly treated.

But if it ſhould happen to be againſt the publick Good (of which the Government is the Judg) to puniſh them as Pirates, there is no doubt but they ought to be dealt with more mildly; ſo all other Criminals ought to be ſpar'd, when it is againſt the publick Good to puniſh them.

Obj. It may be ſaid, If a King is unjuſtly depos'd, he has ſtill a Right to his Kingdom, and conſequently to all that is in order to recover it.

If a King unjuſtly depos'd has a Right.

Anſw. All Nations, except his own, allow'd him theſe Privileges and Rights upon no other account, but as all Buſineſs of Peace and War, and Commerce, that concern'd his Nation, was manag'd by him: what his Right was to that Power, depended upon the Laws of his Country, with which they were no way concern'd; therefore when he loſt that Power, he with it loſt all the Right he had of claiming from them any Privileges above other Perſons, and conſequently his pretence of Right can be no Argument for them not to treat his Privateers as Pirates. As for his own Nation, they have already adjudg'd he has no Right to command them, and have plac'd the Adminiſtration of their Affairs in other hands; ſo that the Argument drawn from a pretended Right that is not own'd by the Nation that depos'd him, can ſignify nothing either to Foreigners, or to them who have then the ſame reaſon, as all other Nations, to condemn as Pirates all that act by his Commiſſion.

Giving a Commiſſion to Pirates, is inconſiſtent with the common Good of the Society.

In ſhort, let a Prince's Right be what it will, if the utmoſt of his Power extends only to the giving Commiſſions to a few People, whom he can perſuade to ſet out Veſſels at their own Charge, to diſturb the Trade of a Nation, which can only tend to exaſperate and vex them; this cannot, in common underſtanding, be reputed a juſt Deſign to recover his Kingdom, or to conquer his Enemies; but only a pretence to let thoſe People that act by his Commiſſion inrich themſelves by exerciſing Piracy: which is ſuch an odious thing, that Nations cannot be too careful in puniſhing whatever tends that way. Beſides, the Laws of Nations reſpect the general Good of Societies more than the Right of any particular Perſon; who, to ſpeak properly, can have no Right when it is inconſiſtent with the Good of the Society, becauſe a particular muſt always give place to a general Good; and the Intereſt of a King, when he has no longer the management of the Affairs of any Nation, is no more ſacred than that of any other private Perſon, who by nature is his equal: it was only the Office which is ſacred, becauſe it is ſo neceſſary for the Good of Mankind, that made the Difference; which when he is no longer poſſeſs'd of, he is but upon the ſame level with the reſt of Mankind; and then the Peace and Quiet, or Trade and Commerce of a Nation ought not to be diſturb'd more for his, than any other particular Perſon's Intereſt. And People, who have a Right even to the Lives of their Enemies, uſe them, when the mutual Good of Societies does not forbid it, after the ſame manner as they do Pirates and Robbers; and they uſe all Spies, and thoſe that privately attempt the Lives of their Enemies, whatever Right the Prince has that imploys them, as Pirates; the pretence of his Right who imploys them, will be no manner of Plea to prevent their Execution: And the ſame reaſon, the Good of Societies, does more ſtrongly require the putting

thoſe to Death that rob by the Commiſſion of any private Perſon whatever.

Beſides theſe Reaſons, which I think are ſufficient to prove them who were taken acting by the late King's Commiſſion, Pirates, there is another unanſwerable one, from the Perſons who accepted the Commiſſion: Who being their Majeſties Subjects (and which the Queſtion that was put to the Civilians juſtly ſuppoſeth) were morally incapable to receive ſuch a Commiſſion; it was not in their Power to take a Commiſſion from any King whatever to invade, in a hoſtile manner, the Ships and Goods of their Fellow-Subjects.

For their Majeſties Subjects to accept a Commiſſion from K. J. is Treaſon.

The accepting the Commiſſion was Treaſon, and no Commiſſion whatever can authorize People to commit Treaſon; ſo that the Commiſſion was null and void as well upon their account that receiv'd it, as his that granted it.

Dr. Littleton *and Dr.* Tindal *vindicated.*

Theſe Reaſons, or at leaſt what is moſt material in them, the Heads of them (I will not pretend they were then as fully and largely handled as they are here ſet down) were urg'd either by Dr. *Littleton* or my ſelf: He did not, upon a Queſtion where ſo much could be ſaid, leave out, as it were on purpoſe, what was moſt material; nor did not, as the ſham-Account reports, only ſay, that the late King had no right to grant Commiſſions, becauſe he had no Treaſury or *Ærarium*, and becauſe there was no War between him and *England*, or ſomewhat to that effect: Nor did I (as that Account will have it) without offering at any Reaſons my ſelf, aſſent to what he ſaid; for not only then, but (ſince I am in a manner forc'd to ſay ſo much) when I gave my Opinion in Writing, I made uſe of what I thought moſt material in theſe Arguments.

The Jacobites make a falſe Repreſentation of the Debate.

It is a great ſign of the Weakneſs of their Cauſe, as well as their Diſingenuity, that they dare not repeat the whole matter of Fact; but only relate ſo much of the other ſide, as they think may ſerve to give a better gloſs to what they, without any reſpect to Truth, have thought fit to divulge: but they were under a kind of neceſſity of ſo doing (and which is the only Excuſe the Matter is capable of) ſince they had no other way of making what they pretend was ſaid by them appear tolerable, but by repreſenting what was ſaid by thoſe of the contrary ſide (if it were poſſible) more abſurd. And it is no wonder, where People have neither Law nor Reaſon on their ſide, that they have recourſe to Lies and Calumnies, the uſual Arts of that Party, and the only Props they have to ſupport their ſo often baffled Cauſe.

The Matter ſtated.

But to return; the Occaſion of ſending for the Civilians, after ſome of them that were conſulted had given their Opinions in Writing, was, as the Lords told Sir *T. P.* and Dr. *Ol.* (who had declar'd that they were not Pirates, without offering to ſhew the leaſt Reaſon why they were of that mind) to hear what Reaſon they had to offer for their Opinion.

Sir T. P. *Advocate for the Pirates.*

Then Sir *T. P.* ſaid, it was impoſſible they ſhould be Pirates, for a Pirate was *hoſtis humani generis*; but they were not Enemies to all Mankind, therefore they could not be Pirates. Upon which all ſmil'd, and one of the Lords ask'd him, Whether there ever was any ſuch thing as a Pirate, if none could be a Pirate but he that was actually in War with all Mankind: To which he did not reply, but only repeated what he had ſaid before. *Hoſtis humani generis*, is neither a Definition, nor ſo much as a Deſcription of a Pirate, but a rhetorical Invective to ſhew the Odiouſneſs of that Crime. As a Man, who, tho he receives Protection from a Government, and has ſworn to be true to it, yet acts againſt it as much as he dares, may be ſaid to be an Enemy to all Governments, becauſe he deſtroyeth, as far as in him lieth, all Government and all Order, by breaking all thoſe Ties and Bonds that unite People in a Civil Society under any Government: So a Man that breaks the common Rules of Honeſty and Juſtice, which are eſſential to the well-being of Mankind, by robbing but one Nation, may juſtly be term'd *hoſtis humani generis*; and that Nation has the ſame Right to puniſh him, as if he had actually rob'd all Nations.

The meaning of a Pirate's being hoſtis humani generis.

Dr. *Ol.* ſaid, that the late King, being once a King, had by the Laws of Nations a Right to grant Commiſſions; and that tho he had loſt his Kingdoms, he ſtill retain'd a Right to the Privileges that belong to Sovereign Princes. It was ask'd him by one of the Lords, whether he could produce an Author of any Credit, who did affirm, that he who had no Kingdom, nor Right to any, could grant Commiſſions, or had a Right to any of thoſe Privileges that belong to Sovereign Princes? and that no King would ſuffer thoſe Privileges to be paid to *Chriſtina*, when ſhe ceas'd to be Queen of *Swedeland*; and that it was the Judgment of all the Lawyers, who ever mention'd that Point, that ſhe had no Right to them: and he did hope, that thoſe who had ſworn to their preſent Majeſties, did not believe the late King had

Q. Chriſtina's *Caſe.*

had ſtill a Right; and that that Point was already determin'd, and would not be ſuffer'd to be debated there. To which he anſwer'd, that King *James* was allow'd very lately the Rights of a King, and that thoſe who acted by his Commiſſion in *Ireland* were treated as Enemies; and People that follow'd his Fortune, might ſtill ſuppoſe he had a Right, which was enough to excuſe them from being guilty of Piracy.

What Right was allow'd K. J. when in Ireland.

One of the Lords then demanded of him, if any of their Majeſties Subjects, by virtue of a Commiſſion from the late King, ſhould by force ſeize the Goods of their Fellow-Subjects by Land, whether that would excuſe them from being guilty at leaſt of Robbery? If it would not from Robbery, why ſhould it more excuſe them from Piracy? To which he made no Reply. Then the Lords ask'd Sir *T. P.* and him, whether it were not Treaſon in their Majeſties Subjects, to accept a Commiſſion from the late King to act in a hoſtile manner againſt their own Nation? which they both own'd it was (and Sir *T. P.* has ſince, as I am inform'd, given it under his Hand that they are Traitors.) The Lords further ask'd them, if the ſeizing the Ships and Goods of their Majeſties Subjects were Treaſon, why they would not allow it to be Piracy? ſince Piracy was nothing elſe but ſeizing of Ships and Goods by no Commiſſion; or what was all one, by a void or null one: and they ſaid there could be no Commiſſion to commit Treaſon, but what muſt be ſo. To which they had nothing to reply, only Dr. *Ol.* (not by way of Anſwer to one of the Lords, who, as the Jacobitiſh Account ſuppoſeth, made uſe of it as an Inſtance for the other ſide) pretended to quote a Precedent, which he ſaid came up to the preſent Caſe, about *Antonio* King of *Portugal*, who (as he ſaid) after he had loſt his Kingdom, gave Commiſſions to Privateers to ſeize upon all *Spaniſh* Veſſels, whom, as the *Spaniards* met with, they hang'd as Pirates (ſo far his Precedent is againſt him) but an Author, without naming him, was of opinion, as he ſaid, that if *Antonio* had ever been a rightful King, then the *Spaniards* ought not to have treated thoſe that acted by his Commiſſion, as Pirates. This was all that was ſaid by the Doctor in behalf of the late King's Privateers; upon which I muſt beg leave to make a few Reflections. As to thoſe Privileges which were allow'd the late King in *Ireland*, they were not allow'd him on the account of any Right, nor was it an owning that he had any Right to that Kingdom, but barely as he was in poſſeſſion; for then he had *Rempublicam*, *Curiam*, &c. and conſequently a Right to be treated as an Enemy: and not only he, but whoever had been in poſſeſſion would have had a Right to be us'd after the ſame manner, which is no more than what is practis'd in all Civil Wars, where there are juſt Forces on either ſide. Theſe Privileges being allow'd him when he was a publick Perſon, and in poſſeſſion of a Kingdom, could be no juſt reaſon to induce any to imagine that they would be permitted him when reduc'd to a private Condition; much leſs is it ſuch a Preſumption as is ſufficient to excuſe them who acted by his Commiſſion, from ſuffering as Pirates. The very taking a Commiſſion from him, after he was reduc'd to a private Condition, to act againſt their own Nation, was a Demonſtration that the Government was no longer in his, but other Hands, who could not reaſonably be preſum'd would allow that he had ſtill any Right, or that they who acted by his Commiſſion ſhould be dealt with as if he ſtill had a Right; but that they ſhould be us'd as if they acted by no Commiſſion, or what is all one, a null or invalid one. Their pretending to believe he has ſtill a Right, is no more an Excuſe in the caſe of Piracy than of Treaſon, which every Traitor may pretend to.

Queries about Piracy and Robbery by Commiſſion.

The Caſe of K. Antonio.

K. J. when in Ireland *had Rights and Privileges, and how.*

As to the Story of *Antonio*, the Doctor is (to ſuppoſe no worſe) abominably miſtaken in the very Foundation; for they that ſuffer'd by the *Spaniards* as Pirates, were *French*, who had not their Commiſſions from *Antonio*, but from their own King, as *Albericus Gentilis*, who mentions this Story, *Lib.* 1. *cap.* 4. ſaith; *At ipſa Hiſtoria vincat eos non fuiſſe Piratas, per literas quas Regis ſui oſtendebant, cui Regi ſerviebant, non Antonio, etſi maxime pro Antonio, quod illos non tangebat.* And *Coneſtaggius*, who is the Hiſtorian he refers to, and who has given an excellent Account of that War, ſaith it was the Royal Navy of *France* (which is very improbable did act by any Authority, but that of the *French* King) ſet out, as he words it, *Regiis ſub Auſpiciis*, with which the *Spaniſh* Fleet engag'd, and had the good fortune, after a long and bloody Fight, to rout it, and took above five hundred Priſoners, of which almoſt the fifth part were Perſons of Quality, whom the *Spaniſh* Admiral was reſolv'd to ſacrifice as Pirates, becauſe the *French* King, without declaring War, had ſent them to the Aſſiſtance of *Antonio*. Againſt which Proceedings the Officers of the *Spaniſh* Fleet murmur'd, and repreſented to their Admiral, that they were not Pirates,

The true ſtate of K. Antonio's *Caſe.*

The French *treated as Pirates by the* Spaniards.

Pirates, becauſe they had the *French* King's Commiſſion; but what they chiefly inſiſted on, was the ill conſequence it would be to themſelves, who, if they fell into the hands of the *French*, muſt expect the ſame uſage. As to the *French* King's aſſiſting *Antonio* without declaring War, they ſuppos'd, that before the Sea-Fight the two Crowns might be ſaid to be in a ſtate of War, by reaſon of frequent Engagements they had in the *Low Countries*. This is the Account *Coneſtaggius* gives of it, which, how little it is for the purpoſe the Doctor quoted it, is ſo viſible, that there is no need of any words to ſhew it. But granting (as the Doctor ſuppoſeth) that *Antonio* never had any Right, or at leaſt the *Spaniards* would never allow he had any, yet it is evident from the Hiſtorian, that they allow'd him, during Poſſeſſion, the ſame Privileges as the late King had during the War in *Ireland*. And if the *Spaniard*, by the Law of Nations, after *Antonio* was driven from his Kingdom, might treat thoſe that acted by his Commiſſion as Pirates, why may not the *Engliſh* deal after the ſame manner with thoſe that act by the late King's Commiſſion, ſince they look on him to be in the ſame Condition as the *Spaniards* did *Antonio*, without a Kingdom, or Right to one? What difference can that make, that one had no Right, and the other, tho he had once a Right, has loſt it?

A King without a Kingdom can give no Commiſſion to Privateers.

Theſe two Civilians, I believe, are the only Perſons pretending to be Lawyers, who are of opinion, that a King without a Kingdom, or Right to one, has by the Law of Nations a Right to grant Commiſſions to Privateers, eſpecially if they are Subjects (as they have acknowledg'd it) to that King, againſt whom they by their Commiſſions are to act. Upon what account can ſuch a Perſon claim theſe Privileges? or for what reaſon ſhould Mankind pay them to him, more than to other private Perſons? Are theſe Privileges like the Charms or indelible Characters, which the Papiſts ſay are inſeparable from the Perſons of their Prieſts? which, whatever it be in Eccleſiaſtical, is no ſmall Bigotry and Phanaticiſm in Civil Affairs. And it is the height of Folly, Madneſs and Superſtition, to believe that the People, who have entruſted ſome one amongſt them with Power for no other end than for protecting them, can upon no account whatever reſume it.

To ſpeak ſomewhat againſt this Notion cannot be unſeaſonable or impertinent, becauſe it is not only the Foundation of thoſe falſe Notions which I endeavour to confute, but of almoſt all others that concern the Rights of Sovereigns.

Man has a natural Deſire to be happy.

The only innate Principle in Man is to ſeek his own Happineſs, and conſequently it is his Duty to purſue it; otherwiſe God would not have imprinted it ſo deeply on his Mind, that it is impoſſible for him not to deſire it: And it is the Source of all his Actions, and the Foundation of his Duty to God and to Man; there being no reaſon why a Man ſhould be oblig'd to do any thing that no way promotes his Happineſs; which, as to this Life, conſidering his Weakneſs and Infirmities, he is not able to procure, without the Aid and Aſſiſtance of others; which, as the only way to obtain, he ought to be as ready to aſſiſt them, and do by them as he expects they ſhould do by him. And as it is evident, the Duty men owe to one another, tends to the Happineſs of each individual Perſon, ſo the neglect of it would be to the loſs and detriment of each particular: and the more any one is oblig'd, the more zealous he ought to be to make ſutable Returns; becauſe there is no Vertue that more encourageth People to do good to one another, and conſequently is more beneficial to Man, than Gratitude. And this is the reaſon of the Duty that Children, for the ſake of their Being and Education, owe to their Parents. The Relation between Parents and Children is call'd a natural Relation, becauſe it does not come by Compact and Agreement, as all others do, which Men enter into for their own ſakes; and wherever they oblige themſelves to ſerve others, either by Labour of the Mind or Body, it is for ſome ſutable Return: and in all Relations of Life there are reciprocal Duties; for the ſake of which alone Men entred into them, and conſequently deſign'd to oblige themſelves no longer to them, than they receive theſe Returns. It is repugnant to that natural Equality which is among Men, that all ſhould be due of one ſide and nothing of the other: In all Relations the Duties are conditional, and can oblige no longer than they are perform'd on both ſides; becauſe each Party would not have bound himſelf but for the ſake of the Return. Where Numbers enter into any Relation with a ſingle Perſon, as when they engage to pay him Obedience, there it is moſt evident that they would never part with their Liberties, and give to a ſingle Perſon ſo great Power over them, but for the ſake of ſome ſutable Return; which can be no other than the Protection they receive by Government, which was the ſole Motive, Reaſon and Deſign of their becoming Subjects: Nor can they be preſum'd to intend any thing but their common Good,

Gratitude a beneficial Vertue.

Duties in all Relations are reciprocal.

Protection the Foundation of Obedience.

Good, nor to pay Obedience upon any other Terms or Conditions, but for the Protection they are to receive: nay, had it been poſſible for Men to deſign it, they were morally incapable of binding themſelves contrary to their common Good and Proſperity. Tho Protection cannot be had without Obedience, yet Obedience is only the Means, and in order to Protection, which is the End for which alone Obedience is due; and where that End cannot be had, all Ties are abſolutely broken. And this has been the Senſe and Practice of Mankind, who have always ſubmitted to new Governors when their old ones became uncapable to protect them. But the Reaſon is much ſtronger, when inſtead of protecting, they deſign to oppreſs and ruin them; then their own Good, which at firſt was the ſole Reaſon of their Obedience, does as much oblige them to oppoſe them, as ever it did to ſubmit to them.

Abſolute Obedience inconſiſtent with the Goodneſs of God.

The Doctrine of abſolute Obedience is inconſiſtent with the Goodneſs of God, and the Love he has for Man; and is deſtructive of the End, Intent and Deſign of God's Laws, which is Man's Happineſs. For God, who is infinitely happy in himſelf, could have no other Motive than man's Happineſs in thoſe Rules he has given him to walk by; and for that reaſon has made it a Duty in him to help the Poor and Miſerable, relieve the Oppreſſed and Diſtreſſed, and do all manner of Kindneſſes and good Offices to one another. Can it then be preſum'd, that he requir'd Obedience to Arbitrary Power, which brings Poverty, Miſery and Deſolation on a Nation? If it be Duty to relieve the Poor and Oppreſſed, it muſt be as much ſo to hinder People from falling into that miſerable Condition, which they cannot prevent, except they have a Right to oppoſe Arbitrary Power. And if it be a Duty to promote the Publick Good, which they cannot do if they are oblig'd to ſubmit to Arbitrary Government, it muſt be their Duty to oppoſe it..

'Tis a Duty to oppoſe Arbitrary Power.

In ſhort, there is no Duty that a Man owes to his Neighbour or himſelf, but does oblige him to oppoſe Arbitrary Government; and ſo does that Honour and Duty which Man owes to his Maker, which cannot more be ſhown, than in imitating him, by promoting the Good and Happineſs of his Fellow-Creatures: *He that does not love his Brother whom he has ſeen, cannot love God whom he has not ſeen.* But the endeavouring to inſlave his Brother, is no Argument of any great Love he bears him. Abſolute Obedience tends to the Diſhonour of God, as it naturally tends to introduce groſs Ignorance and Superſtition; which perhaps is the chief reaſon that ſome Men ſo highly promote it, becauſe they may be the better able to impoſe what ſelfiſh Doctrines they pleaſe, and tyrannize over the Conſciences of their Brethren.

It diſhonors God.

Promoting Abſolute Power a greater Crime than Rebellion.

The promoting Abſolute Obedience is a much greater Crime than the encouraging any Rebellion whatever; becauſe a Civil War, tho during the time it laſts is very ſharp, yet it cannot, eſpecially in a Country where there are no fortified Places, continue long, and a Nation may flouriſh and be happy again. But if once Arbitrary Government be introduc'd upon the Principles of Paſſive Obedience, Peoples Miſerys are endleſs, there is no proſpect or hopes of Redreſs: Every Age will add new Oppreſſions and new Burdens to a People already exhauſted. If he, by God's Command, was to be curſed that remov'd his Neighbour's Land-mark, what Curſes muſt they deſerve that make it their buſineſs to remove all the Bounds, Fences and Securities that People have, not only for their Lands, but their Libertys and Lives, and proſtrate them at the feet of a ſingle Perſon? If it be ſo great a Crime, that upon no account, as they pretend, it is lawful to change the Perſon that has the executive Power, how much greater muſt their Crimes be that deſtroy the Conſtitution, ſubvert the whole Government, and ſet up a new one that is infinitely worſe?

This I think is ſufficient to ſhow that the People have a Right, eſpecially in a limited Government, where they are Subjects no farther than the Laws require, to defend their Libertys and Privileges; and that a King by endeavouring to ruin and enſlave them, has loſt all the Ties he had to their Obedience, and has no longer a Right to command them: and they may then place the Adminiſtration of their Affairs in other Hands; which when they have done, what reaſon have they to allow him, that deſign'd to ruin and enſlave them, greater Privileges than any other private Perſon, who never intended them any Miſchief? Or what reaſon have other Nations to allow him thoſe Privileges, which they cannot without Injury to themſelves pay to any but thoſe that have *ſummum Imperium?*

But to return: Dr. *Waller* and Dr. *Nuton*, who alſo attended, did not declare their Opinions; Dr. *W.* excus'd himſelf, that he had not time to conſider the Queſtion, and Dr. *N.* ſaid it was againſt his Conſcience, or words to that effect, to have

have a hand in Blood. I ſuppoſe with this tacit Reſerve, except it were in hopes of being Advocate of the Admiralty, whoſe Buſineſs it is (if proſecuting Pirates and Malefactors may be call'd ſo, to have a hand in Blood.

But to conclude; I hope I have ſufficiently prov'd what I deſign'd, and have not only anſwer'd all the Objections that were then made, but have obviated whatever can reaſonably be urg'd to the contrary.

A COLLECTION of the Debates and Proceedings in Parliament, in 1694, *and* 1695.

Upon the INQUIRY *into the late Briberies and corrupt Practices.*

PREFACE.

IT is moſt evident to all ſuch who are in the leaſt acquainted with the Greek *and* Roman *Hiſtories, that* Bribery *and* Corruption *were the chief Cauſes of the Overthrow of thoſe free Governments.*

By theſe means Philip *of* Macedon *ruin'd moſt of the Commonwealths of* Greece, *ſo much celebrated in antient Hiſtory.*

The Spartan *State, which had flouriſh'd with ſuch Glory about* 800 *Years, was ſoon deſtroy'd by the corrupt Uſe of thoſe immenſe Riches wherewith their* Aſiatick *Conqueſts had furniſh'd them.*

The Ruin of the Roman Commonwealth *is (by all who have wrote on that Subject) attributed to that Corruption with which they were over-run after they became Maſters of* Aſia, *and the Plunder thereof. Before that time Honor had been the Reward of good and great Actions, but then Mony without Merit open'd the door at which Fools and Knaves enter'd, when honeſt Men could not be admitted. Then it ſeem'd a Crime to be vertuous; and that People became ſo degenerate, that the Conſulſhip, Government of Provinces, Commands of Armies, and every publick Employment were put to ſale, and all carry'd by Caballing and Bribery, without any regard had to the Merits of Men, and their Services to their Country.*

This occaſion'd that ſevere Exclamation, O Urbem venalem ſi Emptorem inveniſſet! *Intimating, that they would ſell even the City it ſelf, if a Man were found who had a Purſe ſufficient to make the Purchaſe.*

And it is yet freſh in memory, how our own Nation was brought to the very brink of Deſtruction by the corrupt Practices of the Reign of King Charles *the Second. Then was the time when all Men of Vertue, untainted Probity, and Love to their Country, ran the hazard of being ruin'd. Then was the time we beheld a Band of abject Penſioners in Parliament, a Liſt whereof is yet extant. Then was the time we ſaw our Senators wearing the Badg of Slavery, and doing a Tyrant's Drudgery, for Clothes and Suſtenance. Then was the time when no leſs Sum than* 252467 l. *was ſquander'd amongſt thoſe mercenary Wretches in leſs than three Years; and it is well known who was then Lord Treaſurer.*

Then was the time when a hungry Member was ſure of a * Dinner *at one or other of*

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* The Practice was, that beſides a *Dinner*, when they had done any eminent piece of Service, every one found under his Plate ſuch a parcel of *Guinea's*, as it was thought his day's work had merited.

the Publick Tables kept about Westminster *(and which very lately began to be set up again) to feed the Betrayers of their Country: And that they might be at hand, Sir* John Copleston *and Sir* Richard Wiseman *were then allow'd to keep open Houses at the foot of the Parliament-Stairs.*

So numerous were these Hirelings in that illustrious Body, that if any Point were there carried on England's *side, it was often but by the poor Majority of two or three Voices. And I cannot but remember upon this occasion a Story (for the Truth whereof I can undertake) There was a contended Election in that House of Commons between Mr.* Trenchard *and Mr.* Bertie; *and it being carried for Mr.* Bertie, *the Lord* O Brian, *who was related to the then Lord Treasurer, came in Triumph to him with the News, and said, My Lord! we have carried the day, and voted thirteen more than one and twenty.*

The Nation groan'd under the Burden of these inglorious and wicked Practices, which ripen'd us for Ruin; and to this day their sad Effects are very sensibly felt. We then traffick'd away the Peace of Europe; *and to that Corruption is owing the Growth, and hitherto unsubdu'd Power of* France.

If to sell the Determination of any Difference between private Persons be held in the highest Detestation, how justly execrable then do those render themselves who traffick away Nations and the Rights of a free-born People?

We have a famous Instance of the transcendent Justice of our Nation, in the case of the great and learned Lord Chancellor Bacon: *He was thrown down from his high Station upon an Accusation of Bribery, tho all that then was positively prov'd against him was his allowing a Servant to accept a Present of a Set of beaten Silver Buttons.*

An Exact Collection of the Debates and Proceedings in Parliament, in 1694, *and* 1695.

The Occasion of making the Inquiry.

THAT the Inquiry into the corrupt Practices here related was as accidental as necessary, will be readily agreed by those who consider from whence it came. We find in the History thereof mention made of the monstrous Sums of Thousands and Tens of Thousands; yet at the first the Payment of that petty Sum of ten Pounds or less, had certainly prevented this happy Discovery; the Rise whereof was from *Royston*, not from the famous Tory Club there, but from the just Complaint of some honest Inhabitants, against the Abuses of Officers and Soldiers in exacting Subsistence-Mony. This coming by Petition before the House of Commons upon the 12*th* of *January*, 1694. and the Petitioners, and also Mr. *Tracy Pauncfort* Agent for Colonel *Hastings*'s Regiment, and the Officers complain'd of being heard and examin'd, it was (upon the 23*d* of *January*) Resolved, *That the Officers and Soldiers of the Army demanding and exacting Subsistence-Mony, is arbitrary and illegal, and a great Violation of the Rights and Liberties of the Subject.* And thereupon order'd, that the Commissioners for taking and stating the Publick Accounts do lay before the House their Observations of the Abuses and ill Practices committed by the Agents of the Regiments of the Army, and that the said Agent *Pauncfort* should forthwith lay before the House a particular Account of the Monies receiv'd by him, and how he had paid the same, and when, and to whom, and what remain'd in his hands. And,

Upon bringing in his Account accordingly, and being examin'd to it, on *Jan.* 28. it was (upon the Consideration of the Observations of the Commissioners for taking and stating the Publick Accounts) Resolved by the House, *That the said Agent, for neglecting to pay the Subsistence-Mony to the Officers and Soldiers that quarter'd at* Royston, *having Monies in his hands to do the same, be taken into Custody of the Serjeant at Arms attending the House.* And afterwards, upon the 12*th* of *February* he being again examin'd, and refusing to answer to several Questions, tho requir'd upon pain of being proceeded against with the utmost Rigour and Severity, it was resolv'd, That *by his obstinate Refusal to answer to a matter of fact, he had violated the Privilege and contemn'd the Authority of the House, and the fundamental Constitution thereof,* and for so doing was commited Prisoner to the *Tower.*

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The next we have upon the Stage is Mr. *Edward Pauncfort*, who being ſummon'd and examin'd by the Houſe, upon the 16*th* of *February* it was (upon Conſideration of the Obſervations made by the Commiſſioners for taking and ſtating the Publick Accounts) Reſolved, *That he, for contriving to cheat Col.* Haſtings's *Regiment of* 500 *Guineas, and for giving a Bribe of* 200 *Guineas, be taken into Cuſtody of the Serjeant at Arms.* *Mr.* Edw. Pauncfort.

Then follow'd Mr. *Henry Guy*, a Member of the Houſe, in whoſe Caſe it was the ſame day, upon Conſideration of the before-mention'd Obſervations, Reſolved, *That he, for taking a Bribe of* 200 *Guineas, be committed to the* Tower.

And upon the 7*th* of *March*, Mr. *James Craggs* (one of the Contractors for the clothing of the Army) having refus'd to produce his Books, and to be examin'd before the Commiſſioners for taking and ſtating the Publick Accounts, and being call'd into the Houſe, and perſiſting in his Refuſal, it was reſolv'd, that he be committed to the *Tower* for refuſing to produce his Books of Accounts, thereby obſtructing the Inquiry of the Houſe into the Diſpoſal of the Publick Monies. *Mr.* Craggs

Hereupon, for redreſs of the notorious Abuſes of the Officers and their Agents, the Houſe agreed upon an humble Repreſentation to the King, to lay before his Majeſty the Grievance of raiſing Mony under pretence of Subſiſtence, wherein they thus expreſs themſelves:

The Repreſentation of the Grievances to the King.

'This is in great meaſure occaſion'd by the undue Practices of ſome of the Agents 'and Officers, the Particulars of which we beg leave to lay before your Majeſty, in 'order to the more effectual preventing the like Miſcarriages for the future.

'1. Some of the Agents, amongſt other their ill Practices, have detain'd the 'Mony, due to the Soldiers, in their hands, and made uſe of it for their own Ad-'vantage, inſtead of immediately applying it to the Subſiſtence of the Officers and 'Soldiers, for whom they were intruſted.

'2. Their intolerable Exactions and great Extortions upon the Officers and Sol-'diers, for paying Mony by way of Advance; their charging more for the Diſ-'count of Tallies than they actually paid; by which fraudulent impoſing upon thoſe 'who ſerve in your Majeſty's Armies it appeareth, that notwithſtanding they have 'a greater Pay than is given in any other part of the World, they are yet reduc'd 'to Inconveniences and Extremities, which ought not to be put upon thoſe who 'venture their Lives for the Honor and Safety of the Nation.

'3. In particular, Colonel *Haſtings* hath compel'd ſome Officers of his Regi-'ment to take their Clothes from him at extravagant rates, by confining and 'threatning thoſe that would not comply therewith; by which the Authority that 'may be neceſſary to be lodg'd in the Colonel over the inferior Officers in ſome ca-'ſes, is miſapplied, and extended ſo as to promote a private Advantage of his 'own, without any regard to your Majeſty's Service, or to the Diſcipline of the 'Army.

'4. Colonel *Haſtings*'s Agent hath preſum'd fraudulently to detain five hundred 'Guineas out of a Bounty given by your Majeſty to the Officers of that Regiment, 'under pretence of giving them as a Bribe to obtain the ſame, to the Diſhonour of 'your Majeſty, and Injury to the Officers thereof; and hath taken two pence *per* 'Pound out of the Mony due to the Officers and Soldiers: for which Deduction 'there being no Warrant, the Colonel, whoſe Servant the Agent is, is anſwe-'rable.

'5. Colonel *Haſtings*'s Agent hath refus'd or neglected to give an Account of the 'Pay due to the Captains of his Regiment and their Companies, which tends ap-'parently to the defrauding the Officers and Soldiers.

'6. Some of the Agents aſſume to themſelves the liberty of making great De-'ductions, which, ſince they know not how to juſtify, they endeavour to cover, 'by putting them under the ſhelter of the uncertain Head of Contingences, which 'giveth them the better opportunity of hiding the Frauds and Abuſes that would 'otherwiſe be more liable to be detected.

'7. Colonel *Haſtings* hath diſcharg'd an Enſign by putting another into his room, 'contrary to the true Diſcipline of an Army, from which the Colonels have no 'Right to exempt themſelves to enlarge their own Authority, to the prejudice of 'your Majeſty's Service, and of the Officers who ſerve under them.

'8. Colonel *Haſtings* hath taken Mony for the recommending to Commands in 'his Regiment, to the great Diſcouragement of the Officers who are to ſerve in 'your Majeſty's Armies, who ought to be ſuch as deſerve their Commands, and not 'ſuch as pay for them.

'Theſe

'These things we moſt humbly repreſent to your Majeſty, in confidence of having them redreſs'd by your Majeſty's Juſtice and Wiſdom.

This Repreſentation being preſented to the King, his Majeſty was pleas'd to give this gracious Anſwer thereto, *viz.*

Gentlemen,

I *Will conſider your Repreſentation, and take all Care poſſible to have the Grievances redreſs'd.*

Commiſſioners of Hackny-Coaches corrupted.

About the ſame time there came a loud Outcry of Bribery againſt the Commiſſioners for licenſing Hackny-Coaches; and the Houſe of Commons having appointed a Committee to examine it, upon the 8*th* of *March* they made report to the Houſe, *That ſeveral of the Commiſſioners for licenſing Hackny Coaches, by receiving Bribes, acted corruptly.*

Thereupon the Houſe order'd the Committee to diſtinguiſh the Commiſſioners, which they accordingly did; and in their Report of the 22*d* of *March* we find an honorable Vindication of *Henry Aſhburſt* and *Walter Overbury* Eſqs; two of the Commiſſioners; and that the others had, *by receiving Bribes, and by other undue means, acted corruptly and arbitrarily.* Upon which the Houſe reſolv'd, *That an Addreſs be made to his Majeſty to remove them from the Commiſſion for licenſing Coaches,* which was accordingly done, and they were remov'd.

From theſe ſmall Beginnings a common Murmur aroſe, that an univerſal Corruption had overſpread the Nation; that Court, Camp and City were tainted; nay, the very Parliament it ſelf infected: ſo that the Lords and Commons were ready to write [*Lord have Mercy on us*] upon their Doors. But the Houſe of Commons being awaken'd by the Alarm, began to reflect upon the Wiſdom of their Anceſtors, and to conſider what Meaſures they had taken upon the like occaſions for the Preſervation of their Poſterity; and reſolv'd to ſearch into the bottom of this reigning Corruption: And purſuant thereunto,

Corruptions in the Eaſt-India *Compaty.*

Upon Thurſday the 7*th* Day of *March*, the Houſe appointed a Committee to inſpect the Books of the *Eaſt-India* Company, and of the Chamberlain of *London*; and impower'd 'em to ſend for Perſons and Papers.

The Names of that Committee were,

Paul Foley Eſq;	Sir *John Thomſon*,	Sir *Samuel Barnardiſton*,
Sir *Richard Onſlow*,	*Foote Onſlow* Eſq;	*Thomas Wharton* Eſq;
John Pollexfen Eſq;	*Thomas Pelham* Eſq;	*Francis Gwyn* Eſq;

Upon Tueſday the 12*th* of *March*, Mr. *Foley* reported from the Committee who were appointed on Thurſday laſt to inſpect the Books of the *Eaſt-India* Company, and alſo the Books of the Chamberlain of *London*, the ſeveral Matters as they appear'd to the Committee, which was read, and is as follows:

The Report of the Committee, *appointed* Jovis 7. Martii 1694. *to inſpect the Books of the* Eaſt-India *Company immediately.*

The Report of the Committee.

THE Committee, as ſoon as they came to the *Eaſt-India* Houſe, underſtood ſome Clerks of the Company, by Order, had lately taken out of their Books an Account of all Monies paid for the ſpecial Service of the Company, beginning in the Year 1688. Whereupon the Committee call'd for that Abſtract, which is as follows.

Paid in Caſh for the Company's ſpecial Service in the Year

	l.	*s.*	*d.*
1688	1284	13	6
1689	2096	2	2
1690	3056	3	8
1691	11372	15	0
1692	4659	15	4
1693	80468	16	8
1694	4075	6	3
	107013	12	7

Upon

Upon which the Committee obſerving, That the greateſt Payment was in the Year 1693, they ſearch'd for the Orders for the iſſuing of that Mony, the chief of which were,

One dated the 13*th* of *April* 1693, at a Court of Committees, in the words following:

'The Governour this day acquainting the Court with what Proceedings had 'been made in their Affairs towards granting a new Charter, and with what had 'been disburſt by him in proſecution thereof, the Court approv'd of the ſaid Char-'ges, and order'd a Warrant to be made out for the ſame; and return'd him 'Thanks for his great Care, Pains and Trouble in their Service, deſiring him to 'proceed in the perfecting thereof.

Another was dated the 24*th* of *November* 1693, at a Court of Committees, held the ſame Day, *viz.*

'The Governour this Day making a Repreſentation of what Sums of Mony 'had been by him of late disburſt in the Management and carrying on of the Com-'pany's Affairs for their Service, the Court approv'd thereof, and order'd that a 'Warrant be made out for making the ſame paid in Caſh accordingly, giving him 'their Thanks for his great Care and Pains taken therein.

Another was at a Court of Committees holden the 22*d* of *January* 169$\frac{3}{4}$, in the words following:

'It being repreſented to the Court, That in the farther Proſecution of the Com-'pany's Affairs, and in order to their Settlement, there have been ſeveral Sums of 'Mony disburſt, amounting to 30000 *l.* in the whole; the Particulars whereof 'were now laid before them, and Conſideration thereof had; it is order'd, That 'the ſaid Mony be made paid in Caſh, and that a Warrant be made out accor-'dingly.

Your Committee find by Examination of moſt of the Perſons preſent at the aforeſaid Committees, That the Governour in the ſaid Committees did only in general inform what Sums he had disburſt, without naming the Particulars to whom, or to what Service: which ſeveral of them ſaid was a new courſe ſince Sir *Thomas Cook* came to be Deputy-Governor or Governor; but in all times before he was concern'd, the Particulars of all Sums for the ſpecial Service of the Company, were declar'd.

Further your Committee find, That in purſuance of the firſt Order dated the 13*th* of *April* 1693, 22275 *l.* was paid out of the Caſh in purſuance of that Order, and 24983 *l.* in purſuance of the next Order dated the 24*th* of *Novemb.* 1693. and 30000 *l.* in purſuance of the laſt Order of the 22*d* of *January* 1693.

	l.	*s.*	*d.*
Amounting in all to	77258		
Beſides ſeveral ſmaller Sums, amounting in the whole to	10144	12	3
Which with the former Sum, makes	87402	12	3

All iſſu'd in the Year 1693, while Sir *Tho. Cook* was Governor, and *Francis Tyſſen* Eſq; Deputy-Governor, for the ſpecial Service of the Company. Beſides theſe Warrants, your Committee found what is call'd a previous Order; a Copy of one of which is as follows:

At a Court held the 24*th* of *Novemb.* 1693.

Sir *Thomas Cook* Governor,
Francis Tyſſen Eſq; Deputy-Governor,

It is order'd, That the Caſhire-General do from time to time make payment of ſuch Sums of Mony for carrying on of the Company's Service, as the Governor ſhall direct, purſuant to the Senſe of the preſent Debate.

By virtue of which, the Governor receiv'd ſeveral Sums between that and the 22*d* of *January* following; at which time he declar'd, he had disburſt 30000 *l.* and had an Order then for placing the ſame to Account, as is before obſerv'd.

The like previous Order was alledg'd to be made to the other Warrants for the 22275 *l.* and 24983 *l.* but your Committee had not time to inſpect the ſame.

Your Committee underſtood that at a Court held the 20*th* of *December* 1694, they impower'd ſeveral Members of the Company to meet and conſider the Matters to them refer'd, by order of the 14*th* of *November* 1694. who in purſuance thereof, had drawn up a State of the Company's Caſh to be preſented to the Company,

pany, dated at the *East-India* Houſe the 7*th* of *March* 1694. In which State, near all the aforeſaid Sums were obſerv'd to be paid, and plac'd to the Company's Account of Charges general paid out of Caſh, *viz.*

			l.	*s.*	*d.*
In	1688 & 1689,	Sir *Benj. Bathurſt* Governor, and Sir *Joſiah Child* Deputy-Govern.	2230	14	0
	1690 & 1691,	Sir *Joſeph Herne* Governor, and Sir *Tho. Cook* Deputy Governor,	13532	9	2
	1692 & 1693,	Sir *Thomas Cook* Governor, and Mr. *Tyſſen* Deputy,	87402	12	3
		In the whole	103165	15	5

Of the Diſpoſal of which Mony, the Committee ſay they have been able to obtain no farther Account, than that the ſame is made paid in the Company's Books, in general Terms for ſpecial Service; and that a great part thereof was, as they are inform'd, put into the hands of Sir *Baſil Firebraſs*: And the moſt material Orders of Court that appear to them to relate to the greateſt Sums, were thoſe of the 13*th* of *April* 1693, the 24*th* of *November* 1693, and 22*d* of *January* 1693, before obſerv'd.

In the ſaid State, drawn by the ſaid Committees, they obſerve, That upon Examination of the Company's Caſh-Book, they found the Ballance the 31*ſt* of *October* 1694. was 124249 *l.* 15 *s.* 10 *d.* They demanded of Mr. *Portmans* the Caſhire, if he had the ſame in Caſh: he replied, he had not; but inſtead thereof, laid before them in writing, on the 22*d* of *November* 1694, that 90000 *l.* was lent upon Sir *Thomas Cook*'s Notes, with other Particulars, which make up the above-mention'd Ballance.

For which 90000 *l.* Mr. *Portmans* produced the then Governor, Sir *Tho. Cook*'s Notes, *in hæc verba.*

'Receiv'd the 10*th* of *January* 169¾. of Mr. *Edmond Portmans*, for account of 'the *East-India* Company, ninety thouſand Pounds; which I have disburſt and paid 'for ninety nine thouſand one hundred ninety ſeven Pounds Stock in the *East-India* 'Company, for their Account; which I promiſe to be accountable for on account of 'the *East-India* Company, and was by Order of Court the 24*th* of *November* 1693.

The Committee of Parliament's Obſervations on the ſtate of the East-India *Company.*

The ſaid Committee do obſerve, That they do not find any Warrant for the ſaid Sum, or any of that Stock transfer'd in the Company's Books for their Account, exceeding 18300 *l.* Stock the 16*th* of *January* laſt.

The Committees of the *East-India* Company, beſides the State above of Caſh, did draw up another State of Contracts; in which they ſay, they found a Contract bearing date the 26*th* of *February* 1693. for 200 Tun of Salt Petre, to be brought home in the Ship *Seymour* from *India*, to pay the Sum of 12000 *l.* for the ſame, and 25 *l.* Freight *per* Tun, to the Owners of the Ship, beſides all Charges here. 2000 *l.* part of the ſaid 12000 *l.* which was the Sum ſent out to purchaſe the ſaid Salt-Petre, is actually paid out of the Company's Caſh; and a Bond for the remaining 10000 *l.* is given under the Seal of the Company, payable the 31*ſt* of *March* next, (*viz.* 1695.) whether the Ship arrive in ſafety or not; with this Limitation only, That if 200 Tun of Petre be not laden upon the ſaid Ship, then to repay in proportion to the want thereof. So that the Reſult of this Contract is, *viz.* the Company runs the Adventure of 12000 *l.* for that which coſt only 2000 *l.* and muſt conſequently loſe 12000 *l.* if the Ship miſcarry: And on the contrary, the Seller on the other hand gets 10000 *l.* clear, without disburſing or running the hazard of one Penny; and what is yet more, a certain loſs of 9 or 10000 *l.* will attend it, if the Ship arrive in ſafety.

Your Committee examining the Members of the Company concerning this State, they own the Contract to be true; that the 2000 *l.* was paid, and the Bond given to Mr. *Tho. Colſton.*

About the ſame time this Contract was made, it appear'd to this Committee, That ſo many of the Interlopers as would ſell their Shares they had in the Interlopers to the *East-India* Company, were allow'd their firſt Coſt, and 25 *l. per cent.* advance; which was done by giving them Credit for ſo much in the *East-India* Books.

Your Committee finds Sir *Samuel Daſhwood*, Sir *John Fleet*, *John Perry* Eſq; Sir *Joſeph Herne*, and Sir *Tho. Cook*, are mention'd to be preſent at the Court of Committees

mittees when the Orders above-recited were made: But they being all Members of this Houſe, the Committee did not think fit to ſend for them in order to their Examination.

Upon the whole matter, it appear'd to your Committee, That the Mony iſſu'd during the time of Sir *Joſeph Herne* and Sir *Tho. Cooke*'s Government, was diſpos'd of by them for private Service; which they have caus'd to be plac'd to the Company's Account, under the Head of Charges General; of which the reſt of the Committees, who were preſent at the Debate and making thoſe Orders, moſt of whom, except the Members of your Houſe, have been examin'd by the Committee, are not able to give any account: But one of them (*viz.* Sir *Benjamin Bathurſt*) ſaid, Sir *Joſeph Herne* had the greateſt part of the 13932 *l.* 9 *s.* 2 *d.* to diſpoſe of; and Sir *Benjamin Bathurſt* would have call'd for an Account thereof, but Sir *Tho. Cooke* deſir'd he would not. And the Committee of Nine, who was to inſpect this whole matter, have often call'd upon Sir *Tho. Cooke* to give an account to whom he has diſtributed the Mony he receiv'd; to whom he ſometimes promis'd to give an Account, but never did: and at another time ſaid, It was not convenient for them to have it. So that the Secret of that Service, and the placing of that Mony, lies principally with Sir *Tho. Cooke* and Sir *Joſeph Herne*.

Sir *Benjamin Bathurſt* being examin'd, ſaid, That finding ſo great a Sum as 30000*l.* charg'd for ſecret Services, he had ſome warm Diſcourſe with Sir *Thomas Cooke* about it, to know how it was disburſt: But he refus'd to give him any Particulars, and told him, he ſhould remember he was bound by his Oath to the Company to keep their Secrets. To which he anſwer'd, he was alſo bound by Oath to be true to the Intereſt of the Company. *Sir* B. Bathurſt's *Examination.*

Sir *Benjamin Bathurſt* further ſaid, That about *April* 1694. underſtanding they were in want of Mony, he look'd into the Caſh-Book; which caſting up, he found a conſiderable Sum in Caſh: and taking ſome Perſons with him, diſcours'd Sir *Tho. Cooke* thereof, who ſaid, *The* 90000 *l. he had receiv'd, was to gratify ſome Perſons in caſe the Bill ſhould paſs.*

Sir *Benjamin Bathurſt* ſays, Sir *Thomas Cooke* and Sir *Baſil Firebraſs* made the bargain about Salt-Petre; but he knew nothing of it till it came into Court.

Sir *Baſil Firebraſs* being examin'd, own'd he had receiv'd upward of 16000 *l.* of which he has given an account to the Company; which was for buying Shares of Stock, and of which the Company had allow'd: But ſaid he knew no ground the Committee of Nine had to ſay, That a great part of the other Sums were put into his hands. He owns he invited ſeveral Perſons to come into the Company; and offer'd to lay down Mony for ſeveral, and that if they lik'd not at the year's end, he would take it off their hands, and to Members of the Houſe of Commons among others: and gave an Account to the Company of his doing ſo, who promis'd to indemnify him. *Sir* B. Firebraſs's *Examination.*

Concerning the Accommodation with the Interlopers, the Company had a Letter from the Lord *Nottingham*, That it was the King's Pleaſure that they ſhould come to an Agreement with the Interlopers. The Propoſal to them was 25 *per cent.* for bringing in their Stock to the Company, and one half of the Profit beſides; which about one half of the Interlopers accepted: But Mr. *Godfrey* and ſome others ſtanding upon 30 *per cent.* Mr. *Colſton* went off with them, and did not come into the Company.

Mr. *Ward* ſaid it was agreed by the Interlopers, That only 2000 *l.* ſhould be imploy'd in buying of Salt-Petre; and Mr. *Colſton* was to have the Advantage thereof, which he believes was not for Mr. *Colſton* himſelf, but for ſome other Gentleman. And the original Inducement to the leave of the Interlopers going out, was that Agreement with Mr. *Colſton*.

The Report of the Committee appointed Jovis Septimo Martii 1694, *to inſpect the Chamberlain of* London's *Books; and that they have likewiſe power to ſend for Perſons and Papers*, &c.

Committee's Report about the Chamberlain of London's *Books.*

YOUR Committee found an Order of the Common Council for the City of *London*, dated the 24*th* of *January* 1693. which nominated and appointed Sir *Tho. Stamp*, Sir *Francis Child*, Sir *James Houblon* and Sir *William Hedges* Knights and Aldermen, Sir *Henry Furnace* Kt. Mr. Deputy *Ayres*, Mr. *Gilbert Heathcott*, Mr. *John*

John Johnſon, Colonel *Tho. Cuthbert*, Mr. *Tho. Cuddon*, Mr. *John Harvey*, and Mr. *Daniel Dorville* Commoners; or any two of the ſaid Aldermen, and four of the ſaid Commoners, to be a Committee to conſider of Ways and Means for ſatisfying the Debts due to the Orphans of this City, and to ſollicit the Parliament for a Bill for that purpoſe: In which it is order'd, That Mr. Chamberlain do from time to time iſſue out, and pay all ſuch Sums of Mony as are requir'd by and neceſſary for the ſaid Committee for promoting the ſaid Service; and the Members who ſerve for this City in Parliament, are deſir'd to be aſſiſting to the ſaid Committee as there ſhall be occaſion: And Mr. *Borrett* the City-Sollicitor is to attend the ſaid Committee.

Your Committee found an Order made by the ſaid Committee, dated the 12*th* Day of *February* 1693, reciting the ſaid Order of Common-Council: And order'd, 'That Mr. Chamberlain do pay to the Honorable Sir *John Trevor* Kt. Speaker of 'the Honorable Houſe of Commons, the Sum of one thouſand Guineas ſo ſoon as 'a Bill be paſs'd into an Act of Parliament for ſatisfying the Debts of the Orphans, 'and other Creditors of the ſaid City. Which Order was ſubſcrib'd by all the ſaid Committee appointed by Common-Council, except Sir *James Houblon* and Mr. Deputy *Ayres*. And on the back of the ſaid Order was this Indorſement, *viz.*

The within mention'd Thouſand Guineas were deliver'd and paid unto the Honorable Sir *John Trevor* this 22*d* Day of *June* 1694, in the Preſence of

Sir *Robert Clayton*, Sir *James Houblon*.

Which at 22 *s.* Exchange comes to 1100 *l.*

In the Chamberlain's Account of the Caſh, the Entry is thus:

'Paid the 22*d* of *June* 1694. by Order of the Committee (appointed by Order 'of Common-Council to conſider of Ways and Means for ſatisfying the Debts 'due to the Orphans and other Creditors of the City, and to ſollicit the Parlia-'ment for a Bill to that purpoſe) dated the 12*th* of *February* laſt, one thouſand 'Guineas, being paid to the Honorable Sir *John Trevor* Knight, Speaker of the 'Honorable Houſe of Commons, purſuant to the ſaid Order; which at 22 *s.* 'Exchange is——————————————————————1100 *l.*

Sir James Houblon's *Examination.*

Your Committee underſtood Sir *Robert Clayton* was ill and out of Town: They ſent for and examin'd Sir *James Houblon*, who ſaid he refus'd to ſign the Order of the Committee of the 12*th* of *February*, not approving thereof; and being offer'd a ſecond time, he refus'd it again, and abhor'd it: but that Sir *Robert Clayton* did on the 22*d* of *June* 1694. ſend for him to come to him; who accordingly, imagining it was only to meet ſome Aldermen, went to him, where he found the Chamberlain; and at Sir *Robert*'s Deſire, they went together to the Speaker to give him Thanks for his pains about the Orphans Bill. And as ſoon as Sir *Robert* and he had paſt a Complement on the Speaker, the Chamberlain pull'd out a Note or Bill, which he deliver'd the Speaker; which the Speaker took, and preſently they all took their leaves of him and came away. Sir *James Houblon* ſaith he did not know the Contents of the Bill; but the Chamberlain ſaid it was for 1100 *l.* and that within two or three days afterwards, the Speaker ſent for the Mony, and had it accordingly: But he plac'd it to account, according to the Day he deliver'd the Bill, which was the 22*d* of *June*.

Your Committee obſerv'd, That the Order of the Committee of the Common-Council, which now ſtands dated the 12*th* of *February*, was at firſt dated the 13*th* of *February*, and that the Perſon named therein was put in by a different hand: And examining who firſt writ the Warrant, Mr. *Borrett* own'd it was his Hand-writing; and at firſt ſaid, that he believ'd the Blank at firſt left therein, was fill'd up with the Speaker's Name before the Committee ſign'd it, becauſe he believ'd they would not ſet their Hands to a Blank. But all the Committee who ſign'd it (who appear'd upon Summons) declar'd, moſt of them poſitively, that there was a Blank for the Perſon's Name when they ſign'd it; and the reſt being doubtful, Mr. *Borrett* afterwards ſaid, the Blank might be fill'd up afterwards, but he could not tell the time: Mr. *Borrett* own'd he fill'd up the Blank with another Pen.

Sir *Thomas Stampe* was out of Town, and Sir *H. Furnace* was ſick; the reſt appear'd before your Committee.

Sir

Sir *Francis Child* on his Examination, own'd he had ſubſcrib'd the Paper of the 12*th* of *February*, as one of the Committee; but ſaith, he did not attend the Committee, nor Sir *Robert Clayton* when he attended the Speaker, and could give little account of the Matter.

Sir *William Hedges* own'd his Hand to the Order of the Committee, and that he was at the Committee who agreed this Matter: He ſaith, Mr. *Borrett*, as he thinks, was the Perſon who told the Committee the Bill could not paſs without giving that Sum; and tho the Order was drawn with a Blank, yet the Diſcourſe at the Committee was, that the Speaker was the Perſon to whom the Sum was to be given: he knows nothing of the Speaker's being acquainted therewith. *Sir* W. Hedges's *Examination.*

Mr. *Daniel Dorville* own'd he had ſubſcrib'd the Order of the Committee: He ſaith, that he attending in the *Lobby* at the Houſe of Commons upon account of the Orphans, Mr. *George Finch* Merchant told him, that *if there were not ſome Guineas given, that Bill would not go on*; and ſaid, 2000 Guineas were neceſſary to give him, meaning the *Speaker*, as he underſtood. And that Mr. *Borrett* likewiſe declar'd his Opinion that Mony muſt be given; and he believeth that Mr. *Borrett* was the firſt that mov'd it in the Committee, and nam'd the Sum: but after the Committee had agreed thereunto, the Bill going on, Mr. *George Finch* ask'd what they had given? Which Mr. *Dorville* refus'd to tell him; but he believ'd, and underſtood, that before the Bill paſs'd, or any thing material was done in it, the *Speaker* had notice of the ſaid Order of the Committee, and approv'd thereof; but knows not whether by *Borrett*'s means, or what other hand. *Mr.* Dorville's.

Mr. *Thomas Cudden* own'd his ſigning of the Order of the Committee: He ſaith, the firſt riſe of this Matter was, that having proſecuted a Bill for this purpoſe in former Seſſions for a long time without effect, the Committee thought it proper to give this Sum to the *Speaker* for Leave for the Bill to be brought in; and it was ſign'd by the Committee before the Bill was carried into the Houſe; and believes that the Purport of this Order was imparted to the *Speaker* before the Bill was carried into the Houſe. And further ſaith, that Mr. *Dowſe* and Mr. *Shephard*, and he thinks Mr. *George Finch*, (Perſons ſolliciting for the Orphans) told him that it would coſt them as much as it would coſt the City. *Mr.* Cudden's.

Mr. *John Harvey* own'd the ſigning of the Order; and that in the Committee there was a Diſcourſe of ſeveral Sums to be given to procure the Bill to paſs, ſome naming 500, others 1000, ſome 2000 Guineas; but he doth not remember any Perſon nam'd to receive the ſame.

Mr. *John Johnſon* gave the like Teſtimony.

Mr. *Gilbert Heathcott* ſaid, he was not preſent at any Meeting of the Committee; but that he was the laſt Perſon that ſubſcrib'd the Order, which he did by the Example of thoſe who ſubſcrib'd before him.

Colonel *Thomas Cuthbert* own'd his ſubſcribing the Order; and that he was preſent at the Committee, where it was agreed to give 1000 Guineas, but knoweth not the Riſe or Occaſion of it, other than the Clamour of the Orphans that the City were cloſe-handed, and thereby had done them no good, which he believeth was the Reaſon why the City did conſent to give 1000 Guineas.

Mr. *Borrett* being examin'd, own'd he had in the Committee given his Opinion, that 1000 Guineas ſhould be given to the *Speaker*. He ſaith, after the Order was ſign'd, it was kept in his hands a month or ſix weeks, and then deliver'd back by him to the Committee. Being ask'd of his Belief, Whether the *Speaker* knew of this Order before the Bill paſs'd? he ſaith, he doth believe he did know of it; for he, to ſatisfy the Clamour of the Orphans, had told their Agent, who he believes had eaſy acceſs to the *Speaker*; but that from the time of ſigning to the time of his Examination, he had not been with the *Speaker*, nor ſent to him. *Mr.* Borrett's *Examination.*

Your Committee found an Order of the Committee nominated by the Common-Council, dated the 26*th* of *April* 1694. reciting the Order of Common-Council, and ordering the Chamberlain to pay to *Paul Jodrell* Eſq; the Sum of 100 Guineas for his Pains and Service in aſſiſting to paſs the Bill in Parliament, for ſatisfying the Debts of the Orphans and other Creditors of the ſaid City; which was ſubſcrib'd by moſt of the Members of the ſaid Committee, together with Sir *James Houblon* and Deputy *Ayres*, who refus'd to ſign the Order of the 12*th* of *February*: on the back of which was the like Indorſement, that the 100 Guineas were paid to *Paul Jodrell* Eſq; the 22*d* of *June*, 1694. in the preſence of Sir *Robert Clayton* and Sir *James Houblon*, and the paiment thereof was entred in the Chamberlain's Book the 22*d* of *June*, 1694. which, at 22 *s.* exchange, is 110 *l.*

The Members who ſubſcrib'd that Order own'd their Hands, and ſaid, it was after the Bill was paſs'd.

Your Committee found in the Chamberlain's Books the ſeveral Paiments following to Mr. *Borrett* the City-Sollicitor, *viz.*

Sums paid to Mr. Borrett.

		l.	*s.*	*d.*
1693	*January* 5.	50	00	00
	February 26.	100	00	00
	March 12.	50	00	00
1694	*April* 7.	39	14	00
	May 5.	127	16	00

Theſe Sums were apply'd to defray the Charge of drawing the Bill, making Copies thereof, and of Petitions and Orders with relation to the ſaid Bill; among which Paiments they find,

February 19. Paid Mr. Sollicitor-General for his Advice therein, 5 Guineas.

February 12. Paid Mr. *Harecourt* by order, 5 Guineas.

March 23. Paid Mr. *HUNGERFORD*, Chairman of the Grand Committee, for his Pains and Service, 20 Guineas.

Paid Mr. *Jodrell*, as by his Bill, 60 *l.* 9 *s.* 6 *d.*

Which Accounts were allow'd by the ſaid Committee.

Monies promis'd for paſſing the Orphans Bill.

Your Committee underſtood that the Orphans, for the procuring of this Bill, had given Bond to Mr. *Smith* and Mr. *Charles Nois* to allow them 12 *d.* in the Pound when the Bill was paſſed, for their Pains and Charges in that Matter: Which Contract being made void in that Bill, the Court of Aldermen were impower'd to ſatisfy them their real Expences. Upon which they apply'd themſelves to the Court of Aldermen, and got a Petition to be ſign'd by many of the Orphans, that they were willing, notwithſtanding the Act of Parliament, they ſhould be allow'd 12 *d.* in the Pound: And the ſaid *Nois* and *Smith* brought in a Bill to the ſaid Committee of their Charges, amounting to 3457 *l.* 16 *s.* but, as was alledg'd, they pretended to be a great deal more out of Purſe: By which Argument they got Subſcriptions to the ſaid Petition, in which Bill there is charg'd paid to Mr. *George Finch*, for carrying on the Act, 1650 *l.* And Mr. *Dowſe* ſaid that Mr. *Smith* told him, they were out of Pocket great Sums of Mony upon account of the Orphans Bill; and when he was ſollicited to ſubſcribe the Petition for having twelve Pence in the Pound, he would have had them taken ſix Pence: To which they reply'd, It would not anſwer their Expectation, for they had been out in this Matter more than ten thouſand Pounds.

Mr. *Nois* and Mr. *Smith* being examin'd here, did utterly deny that they had given any Mony to any Member of Parliament on the account of the ſaid Bill, or knew of any to be given; but they were willing to get what they could, having taken a great deal of pains in long ſolliciting the ſame. They did ſay, that notwithſtanding they charg'd 1650 *l.* to be paid Mr. *George Finch*, yet they had not paid him any Mony; but having deliver'd up his Bond for the twelve Pence in the Pound, they valu'd his Share of the Orphans Debt to amount to that Sum.

Mr. Finch his Examination.

Mr. *George Finch* being examin'd, did deny to have receiv'd any thing from Mr. *Nois* and Mr. *Smith*, or by their Order; but ſaith, he did apply himſelf to ſeveral of the Orphans for Mony, upon ſuggeſtion that there were Obſtructions to the Bill, which muſt be remov'd by Mony; and that he did receive 100 *l.* from Mr. *John Chadwick*, 100 *l.* from Mr. *Harvey*, 100 *l.* from Mr. *Scot*, 50 *l.* of Mr. *Herne*, and had a promiſe of 100 *l.* from Sir *John Smith*, which is not yet paid: That the Obſtructions he meant were to take off thoſe who petition'd againſt the Duty laid in the ſaid Act upon Wine; and finding the Parties concern'd to be very many, he did not treat with them, but kept the Mony to his own uſe, becauſe he had been at Charges in this Matter. He did deny his paying any Mony to any Member of Parliament; but wavering in his diſcourſe, and being again ask'd if he ever did diſtribute, or know of any Mony diſtributed on account of the Orphans Bill, ſaid, it was a hard thing to be ask'd ſuch Queſtions; which was all your Committee could get from him.

Mr. *John Chadwick* and Mr. *Herne*, prov'd the paiment of the Mony to Mr. *George Finch*, but could give no account what he had done therewith.

Mr.

Mr. *George Finch* denying he receiv'd any more Mony than that from Mr. *Chadwick*, &c. amounting to 350 *l.* which, or part of it, was paid in for his uſe to Mr. *Hornby*; and yet being charg'd by Mr. *Nois* and *Smith* with 1650 *l.* in their Bill, tho on their Examination by your Committee they deny they had paid him any, they thought Mr. *Hornby*'s Books might clear this Matter, they keeping Mr. *Finch*'s Account, and therefore ſent for them. Mr. *Nath. Hornby* came upon the Summons without the Books; and being told it was to determine a Difficulty about Mr. *Finch*'s Receits and Paiments, he abſolutely refus'd to let your Committee have a ſight thereof, and ſaid, he would not diſcover to any one whatever what any Perſon ow'd them, or what they ow'd any Perſon. *Mr. Hornby's Examination.*

But upon better thoughts he did ſhew his Books, but nothing material appear'd thereby to this Matter.

The Houſe then debated the foregoing Reports, and came to this Reſolution.

'That Sir *John Trevor*, Speaker of this Houſe, receiving a Gratuity of 1000 'Guineas from the City of *London*, after paſſing of the Orphans Bill, is guilty of a 'high Crime and Miſdemeanour.

After this, Sir *John Trevor* abſenting himſelf from the Houſe, they reſolv'd to chuſe a new Speaker, and elected *Paul Foley* Eſq; to be Speaker. Then, *A new Speaker choſen.*

Upon Saturday the 16*th* of *March* it was reſolv'd, 'That Sir *John Trevor*, late 'Speaker of this Houſe, being guilty of a high Crime and Miſdemeanour, by re- 'ceiving a Gratuity of 1000 Guineas from the City of *London*, after paſſing the 'Orphans Bill, by expell'd this Houſe. *Votes of the Houſe of Commons upon theſe Matters.*

Upon Monday the 18*th* of *March* a Vote paſſed, 'That whoſoever ſhall diſcover 'any Mony or other Gratuity given to any Member of this Houſe for Matters 'tranſacted in this Houſe relating to the Orphans Bill, or the *Eaſt-India* Company, 'ſhall have the Indemnity of this Houſe for ſuch Gift. And,

Order'd, That Mr. *Charles Nois* do attend the Houſe the next day: And he attending accordingly, and being examin'd, it was Reſolv'd by the Houſe, That

'Mr. *Charles Nois* having to ſeveral Perſons pretended he was out of Purſe, or 'engag'd to give great Sums of Mony to ſeveral Members of this Houſe, in order 'to paſs the Orphans Bill, which on his Examination he deny'd to have given or 'promis'd, hath been an occaſion of Scandal to this Houſe and the Members there- 'of. And thereupon,

Order'd, 'That *Charles Nois* be taken into Cuſtody of the Serjeant at Arms at- 'tending this Houſe.

Upon Tueſday the 26*th* of *March* it was Reſolv'd by the Houſe, 'That Mr. *Hun- 'gerford*, a Member of this Houſe, having receiv'd twenty Guineas for his Pains 'and Service as Chairman of the Committee of this Houſe, to whom the Orphans 'Bill was committed, is guilty of a high Crime and Miſdemeanour. There- upon,

Reſolv'd, 'That Mr. *Hungerford* be expelled this Houſe.

It was the ſame day order'd, 'That Sir *Thomas Cooke*, a Member of this Houſe, 'do give an Account to the Houſe how the 87402 *l.* 12 *s.* 3 *d.* mention'd in the 'Report, was diſtributed.

And Sir *Thomas Cooke* being accordingly examin'd, it was reſolv'd, 'That Sir *Tho- 'mas Cooke* having refus'd to give an Account how the ſaid Sum was diſtributed, be 'committed Priſoner to the *Tower* of *London*. *Sir* Tho. Cooke *ſent to the* Tower.

Order'd, 'That a Bill be brought in to oblige Sir *Thomas Cooke* to give an Account 'to whom he paid and diſtributed the ſaid Mony, and other Sums mention'd in the 'Report to be receiv'd and diſtributed by him.

Upon Thurſday the 28*th* of *March*, the Bill to oblige Sir *Thomas Cooke* to give an Account was read, and order'd a ſecond reading next day.

Order'd, That the Caſhire to the *Eaſt-India* Company do forthwith produce the Warrants for the Sums of Mony amounting to 13532 *l.* 9 *s.* 2 *d.* mention'd in the Report to be paid for ſpecial Service or Charges general of the ſaid Company in 1690 and 1691, and the Receits for the ſame.

Order'd, That he do alſo produce the Warrants for the Sums amounting to 87402 *l.* 12 *s.* 3 *d.* paid for ſpecial Service or Charges general of the Company in 1692 and 1693, and the Receits for the ſame.

The Bill to oblige Sir *Thomas Cooke* to give an Account, *&c.* upon Friday the 29*th* of *March* was read a ſecond time, and committed to a Committee of the whole Houſe.

The

The Caſhire of the *Eaſt-India* Company attended, and produc'd Warrants for the ſeveral Sums mention'd in the Report; and being examin'd, the Warrants were read.

Sir *Baſil Firebrace* attended, by Order, upon Saturday the 30*th* of *March*, and deliver'd in an Account of Monys by him paid upon the Account of the *Eaſt-India* Company, which was read.

A Petition of Sir *Thomas Cooke* was read, praying he may be heard by Counſel before the Bill againſt him do paſs, and it was reſolv'd that he be heard by his Counſel.

The Houſe (upon the ſecond of *April*) in a grand Committee, went through the Bill to oblige Sir *Thomas Cooke* to account, and made ſeveral Amendments, and order'd the Bill to be reported the next day.

Accordingly upon Wedneſday the 3*d* of *April*, Mr. *Bridges* reported the Amendments made to that Bill, which were read and agreed to by the Houſe; and order'd that the Bill with the Amendments be ingroſs'd.

The Bill paſt againſt Sir Tho. Cooke.

Upon Saturday the 6*th* of *April* Sir *Thomas Cooke*'s Counſel were call'd into the Houſe, and his Petition read, and alſo the ingroſs'd Bill to oblige him to give an Account, *&c.* was read the third time, and the Counſel were heard; and then the Houſe reſolv'd that the Bill do paſs, and that Mr. *Bridges* do carry the Bill to the Lords, and deſire their Concurrence thereunto, which he accordingly did.

It muſt be here remembred, that at the firſt reading of the Bill in the Lords Houſe, *to oblige Sir* Thomas Cooke *to give an Account*, &c. the Duke of *Leeds* ſpoke vehemently againſt it, and introduc'd what he was about to ſay with a moſt ſolemn Proteſtation of his '*Cleanneſs* and *Innocence*; and laying his hand on his Breaſt, de-' clar'd, upon his *Faith* and *Honour*, that he was perfectly diſintereſted, and had no ' Part or Concern in this Matter, and therefore might the better appear againſt it; ' which he did, expreſſing great Abhorrence of the Bill.

Proceedings of the Houſe of Lords about Sir Tho. Cooke.

Upon Saturday the 13*th* of *April*, their Lordſhips ſent a Meſſage to the Houſe of Commons, that they having under their Conſideration a Bill *to oblige Sir* Thomas Cooke *to account*, &c. do deſire Sir *Thomas Cooke* (a Member of the Houſe of Commons, and now a Priſoner in the *Tower*) may be permitted and order'd to appear at the Bar of the Lords Houſe, when deſir'd; and thereupon the Houſe of Commons order'd that he do attend the Lords as deſir'd, and that Mr. Speaker iſſue his Warrant to that purpoſe.

Sir *Thomas Cooke* being brought upon his Petition to the Bar of the Lords, he declar'd himſelf *ready and very willing* to make full Diſcovery; and ſaid, he had done it before in the Houſe of Commons, if he could have obtain'd there an *indemnifying Vote*; and that their denying it had occaſion'd his appearing before their Lordſhips in that manner: He bemoaned himſelf (*weeping*) that he was not indemnify'd at that Inſtant, ſo that he might juſt then make the Diſcovery which was expected, and which he was ſo deſirous to make.

Thereupon it was demanded of him, What he would be indemnify'd from? He anſwer'd, *All Actions and Suits*, except from the *Eaſt-India* Company, whom, if he had injur'd, he would be bound to undergo the greateſt Rigor. He alſo ſaid, he deſir'd to be indemnify'd from *Scandalums*. It was ask'd him, Whether he meant *Scandalum Magnatum?* He ſaid, Yes.

He being withdrawn, the Duke of *Leeds* ſtood up, and declar'd, 'He was ve-' ry glad that Gentleman was come to ſuch a Temper, as to be willing to diſ-' cover, whereby that Bill was prevented, which his Lordſhip eſteem'd to be of ſo ' pernicious a Nature.

' His Grace minded their Lordſhips how the Commons took care of the Reputa-' tion of their Houſe, in asking *Sir* Thomas Cooke *whether he had diſtributed any Mo-' ny among any of their Members?* who *purg'd* them by a ſolemn Proteſtation, that ' he had not. His Lordſhip thinks it reaſonable the Lords ſhould have ſome regard ' to themſelves, and therefore mov'd that Sir *Thomas Cooke* might be call'd in and ' ask'd, *Whether he were willing upon Oath to purge all thoſe who ſat there?* But this was not receiv'd.

After this the Lords came to a Reſolution, That the Bill ſent up from the Commons, *to oblige Sir* Thomas Cooke *to give an Account*, &c. ſhould not be proceeded upon, but appointed a Committee to draw up a Bill to indemnify him.

That Committee being withdrawn, and having made ſome Progreſs, notice came from Sir *Thomas Cooke* (by a Reverend Prelate who appear'd zealous for him) to this purpoſe, That he was afraid he might be miſapprehended as to what he ſaid concerning

concerning a Diſcovery, in that he ſaid he was *willing and ready*; but by *ready* he meant no more than *willing*: and that he ſhould need at leaſt four Months to make the Diſcovery he promis'd.

This was highly reſented by ſome of the Lords of the Committee, who immediately mov'd that the Committee might riſe and report to the Houſe this freſh Matter, and the trifling and prevaricating of Sir *Thomas Cooke*, ſo that the Bill deſign'd to oblige him to give an Account might now proceed.

Some Lords mollify'd this; and having taken up ſome time in ſpeaking, in the mean while Sir *Thomas Cooke* begging a favourable Treatment, engag'd to diſcover within a Fortnight: He was call'd in more than once, and at laſt agreed to the Time allow'd by the Bill, *viz.* ſeven Days. And,

Upon the 17*th* of *April* the Lords ſent a Meſſage to the Commons, that they have paſs'd a Bill intituled, 'An Act to indemnify Sir *Thomas Cooke* from Actions which 'he might be liable to, by reaſon of his Diſcovery to whom he paid and diſtribu-'ted ſeveral Sums of Mony therein mention'd, to be receiv'd out of the Treaſure 'of the *Eaſt-India* Company, or for any Proſecution for ſuch Diſtribution. To which they deſire the Concurrence of the Commons. *Sir* Tho. Cooke *to be indemnify'd by a Bill.*

The Bill was read the firſt time, and order'd to lie on the Table. And,

A Meſſage ſent to the Lords by Sir *Chriſtopher Muſgrave*, to put them in mind of the Bill ſent up, intituled, *An Act to oblige Sir* Thomas Cooke *to give an Account*, &c.

Upon Thurſday the 18*th* of *April* the Commons read a ſecond time the ingroſſed Bill from the Lords to indemnify Sir *Thomas Cooke*, &c. and made ſome Amendments thereto.

Upon Friday the 19*th* of *April*, Mr. *Bridges* reported the Amendments; which being read, were agreed unto, and another Amendment made by the Houſe, and then the Bill was read a third time, and paſs'd, and Mr. *Bridges* order'd to carry it to the Lords, and acquaint them that the Houſe had agreed to the Bill with ſome Amendments, to which they deſir'd the Lords Concurrence.

Then came a Meſſage from the Lords to acquaint the Houſe, that they had agreed to the Amendments made to the Bill to indemnify Sir *Thomas Cooke*, &c.

Upon Monday the 22*d* of *April*, the King came to the Houſe of Lords, and gave the Royal Aſſent to that Bill, and then told both Houſes, that in few Days he muſt put an end to the Seſſion.

The Act runs thus;

The Act to oblige Sir T. Cooke *to account for Monies of the* Eaſt-India *Company.*

'THE Preamble ſets forth, That it appears by the Books of the *Eaſt-India* 'Company, that Sir *Thomas Cooke* Kt. in 1693. being Governor of the Com-'pany, did receive out of their Stock and Treaſure 77258 *l.* and alſo 90000 *l.*

'And a true diſcovery of the Diſtribution of thoſe Sums is neceſſary to the vin-'dicating the Juſtice and Honour of the Government, and that Sir *Tho. Cooke* hath 'voluntarily offer'd to make ſuch Diſcovery ſo as he may be indemnify'd.

'It is enacted, That if Sir *Thomas Cooke*, on or before the 23*d* of *April* 1695. 'make a true and full Diſcovery upon Oath, before a Committee of the Lords and 'Commons, how and in what manner, and to what Perſon or Perſons, and to 'what particular Uſes, Intent and Purpoſes, and on what Account the ſaid '90000 *l.* and the Sum of 67000 *l.* part of the ſaid 77258 *l.* have been diſtributed, 'then he ſhall not, by reaſon of ſuch Diſcovery, be liable to any Action of any Per-'ſon other than the *Eaſt-India* Company; and ſhall be and is pardon'd and indem-'nify'd for any Crime in the Diſtribution or Application of the ſaid Mony to any 'Perſon other than to himſelf.

'And it is further enacted, That the ſaid Sir *Thomas Cooke* ſhall, on or before the 'firſt of *September* 1695. either diſcharge himſelf upon Oath to the Commiſſioners 'for ſtating and taking the Publick Accounts, of the Sum of 10258 *l.* Reſidue of 'the ſaid 77258 *l.* or diſcover to them upon Oath how and in what manner, and 'to what Perſon or Perſons, and to what Uſes, Intent and Purpoſes, and on what 'Account the ſaid Sum of 10258 *l.* hath been diſtributed or made uſe of; and in 'ſuch Caſe he ſhall not, by reaſon of ſuch Diſcovery or diſcharging himſelf upon 'Oath, be liable to any Action, *&c.* other than the ſaid Company; and is declar'd 'pardon'd for any Crime he may be guilty of in the Diſtribution or Diſpoſal of 'the ſame to any Perſon other than to himſelf; provided, that if he ſhall not, on 'or before the ſaid 23*d* of *April*, make ſuch true and full Diſcovery, that then he

'ſhall

'shall from thenceforth continue a Priſoner in the *Tower*, until he ſhall have made 'ſuch true and faithful Diſcovery upon Oath before the Commiſſioners for taking 'the Publick Accounts.

This Act being ſo paſs'd, the Lords by a Meſſage acquainted the Houſe of Commons, that they had reſolv'd to nominate Twelve of their Houſe to be of the Committee appointed by the ſaid Act; and accordingly did nominate theſe following Lords:

A Committee of both Houſes about Sir T. Cooke's *Affair.*

The Lord Privy Seal,
Duke of *Shrewsbury*,
Earl of *Mancheſter*,
Earl of *Bridgwater*,
Earl of *Thanet*,
Earl of *Rocheſter*,
Earl of *Monmouth*,
Earl of *Marlborough*,
Earl of *Torrington*,
Lord Viſcount *Weymouth*,
Lord *Cornwallis*, and
Lord *Godolphin.*

Whereupon the Houſe of Commons reſolv'd, that 24 of their Houſe ſhould be nominated to be of that Committee, and order'd that the *Speaker* iſſue his Warrant for Sir *Thomas Cooke* to attend the Committee of Lords and Commons the next day.

Upon the 23*d* of *April* Sir *Henry Hobart* reported the Names of the 24 Members appointed to be of their Committee for examination of Sir *Thomas Cooke*, *viz.*

Sir *John Thomſon*,
Sir *Richard Onſlow*,
Mr. *Bridges*,
Mr. *Charles Mountague*,
Mr. *Henry Boyle*,
Sir *Henry Hobart*,
Sir *Thomas Littleton*,
Mr. *Hutchinſon*,
Mr. *Boſcawen*,
Sir *Thomas Pope-Blount*,
Mr. *Clarke*,
Mr. *Pelham*,
Mr. *Comptroller*,
Mr. *Harley*,
Sir *Walter Young*,
Sir *Chriſtopher Muſgrave*,
Sir *Edward Abney*,
Mr. *Chadwick*,
Sir *Herbert Crofts*,
Sir *Rowland Gwyn*,
Mr. *Papillon*,
Sir *William Cooper*,
Mr. *Brockman*, and
Mr. *Gwyn.*

The Report of Sir Thomas Cooke's *Account from the Committee of both Houſes.*

Tueſday the 23*d* of *April* 1695.

In the Exchequer-Chamber.

AT the Committee of both Houſes, appointed to hear and examine Sir *Thomas Cooke*, in purſuance of the late Act 'to indemnify Sir *Thomas Cooke* from Actions which he might be liable to, by reaſon of his diſcovering to whom he paid 'and diſtributed ſeveral Sums of Mony therein mention'd, to be receiv'd out of the 'Treaſure of the *Eaſt-India* Company, or for any Proſecution for ſuch Diſtribution.

Sir *Thomas Cooke* being call'd in, and the Act read, he thereupon obſerv'd to the ſaid Committee ſomething relating to the Clauſe touching his Impriſonment, and did deſire that in caſe he ſhould then make a full and perfect diſcovery to the Satisfaction of the Committee, it might by them be repreſented to each Houſe, ſo as he might obtain their Votes for his Diſcharge, he apprehending by the Act that no Perſon is impower'd to releaſe him in caſe of ſuch Diſcovery. Whereupon the Committee acquainted him, that they were of Opinion, if he made a full Diſcovery, he would not be liable to the Penalty of that Act; but however his Scruple ſhould be fairly repreſented to both Houſes.

Sir *Thomas Cooke* being ſworn, acquainted the Committee, that for their Eaſe he had put his Confeſſion down in Writing, and deliver'd it to them; a Copy whereof follows.

The

The 23*d* of *April*.

A true and full Diſcovery upon Oath made by Sir *Thomas Cooke*, to the beſt of his Knowledg, how and in what manner, and to what Perſon or Perſons, and to what particular Uſes, Intents and Purpoſes, and on what Account the Sum of 67000 *l.* and the Sum of 90000 *l.* have been diſtributed, paid, apply'd, diſpos'd, or made uſe of: Which Diſcovery is in purſuance of an Act of this preſent Seſſion of Parliament. *Sir* Tho. Cooke's *Diſcovery.*

	l.	*s.*	*d.*
Deliver'd to *Francis Tyſſon* Eſq; ſeveral Tallies for 10000 *l.* for the ſpecial Service of the Company,	10000	00	00
To Intereſt and Allowance due for the ſaid Tallies till the ſame was repaid me,	597	08	10
To Mr. *Richard Acton*, to defray the Expences of himſelf, and for his Friends ſolliciting to prevent a new Settlement of the *Eaſt-India* Company, and to endeavour the Eſtabliſhment of the old,	10000	00	00
To *Ditto* for Intereſt of the Mony, and Gratitude for his Pains, more,	2000	00	00
To Mr. *Nathaniel Molineux* Merchant, for himſelf and Friends, in ſolliciting the Company's Affairs to prevent a new Charter, and eſtabliſh the old, 310 Guineas,	338	07	06
To Charges on the Salt-Petre, and for the Tallies and other Expences,	164	16	10
To *Francis Tyſſon* Eſq; for the Service of the Company,	250	00	00
To what I find by my Notes of *Memorandums*, is charged to my ſelf, 100 Guineas,	109	03	04
To *John Chardin*, for ſeveral Expences and Services in the Company's Affairs,	220	00	00
To *Paul Docminique* Eſq; for ſolliciting the Company's Affairs, to prevent a new Company, and to eſtabliſh the old,	350	00	00
To Captain *John Fermain*, in conſideration of Loſs he had by the *Eaſt-India* Stock, and on his Promiſe to come into the Company's Intereſt, 350 Guineas,	382	01	08
To Colonel *Fitz-Patrick*, for the Service done the Company by his Sollicitations for a new Charter, 1000 Guineas,	1091	13	04
To *Charles Bates* Eſq; on the ſame Account, 500 Guineas,	545	16	08
To Sir *Baſil Firebrace*, in recompence of his Trouble in proſecuting the Company's Affairs, and in conſideration of other Loſſes he had ſuſtain'd by neglecting his own Buſineſs, and by not engaging himſelf with the Interloping Ships,	10000	00	00
To the ſaid Sir *Baſil Firebrace*, for 50 *l. per cent.* Loſs on 10000 *l.* Stock, I was oblig'd to accept of him at 150 *l. per cent.* being on the Company's Account,	5000	00	00
To *Ditto*, for a like Loſs of 50 *l. per cent.* on 9000 *l.* Stock,	4500	00	00
To *Ditto*, for a like Loſs of 50 *per cent.* on 8000 *l.* Stock,	4000	00	00
To *Ditto*, for a like Loſs of 50 *per cent.* on 7000 *l.* Stock,	3500	00	00
To *Ditto*, for a like Loſs of 50 *per cent.* on 6000 *l.* Stock,	3000	00	00
To *Ditto*, for a like Loſs of 50 *per cent.* on 5000 *l.* Stock,	2500	00	00
To *Ditto*, for a like Loſs of 50 *per cent.* on 4000 *l.* Stock,	2000	00	00
To *Ditto*, for a like Loſs of 50 *per cent.* on 1000 *l.* Stock,	500	00	00
To *Ditto*, for a like Loſs of 50 *per cent.* on 6000 *l.* Stock,	3000	00	00
To *Ditto*, for a like Loſs of 50 *per cent.* on 4000 *l.* Stock,	2000	00	00

	l.	*s.*	*d.*
To the Attorney-General, for his great Trouble and Pains about the Charters, and other Affairs relating to the Company, 500 Guineas,	545	16	08
To the Sollicitor-General on the ſame Account, 200 Guineas,	218	06	08
To Mr. *Sambrook*, &c. for Charges in paſſing the ſaid Charters,	218	06	08
	67031	18	02

Tho. Cooke.

The 23*d* of *April* 1693.

An Account of the Diſpoſition of the 90000 *l.* mention'd in the ſaid Bill, which was for *Eaſt-India* Stock, bought of ſeveral Perſons for account of the *Eaſt-India* Company, as by the Particulars below appears, *viz.*

	East-India *Stock.* *l.*	*s.*	*d.*		*l.*	*s.*	*d*
Of Mr. *Robert Marſhal*	4056	10	0		3659	17	0
Of *Ralph Marſhal* Eſq;	2033	5	0		1829	18	6
Of Mr. *Abraham Wilmer*	5760	17	6		5184	15	9
Of Mr. *John Blaker*	1016	12	6		914	19	3
Of Mr. *William Sheppard*	6777	10	0		6099	15	0
Of Sir *Salathiel Lovel*	1016	12	6		914	19	3
Of *Paul Docminique* Eſq;	1355	10	0		1219	19	0
Of Mr. *John Dubois*	2033	5	0		1829	18	6
Of Mr. *Robert Lancaſhire*	6777	10	0		6099	15	0
Of Mr. *Vincent Sheppard*	3388	15	0		3049	17	6
Of Mr. *Francis Gosfright*	3388	15	0		3049	17	6
Of *Frederick Hern* Eſq;	5422	0	0		4879	16	0
Of Capt. *Jonathan Andrews*	677	15	0		609	19	6
Of Sir *Tho. Grantham*	1694	7	6		1524	18	9
Of *John Perry* Eſq;	3388	15	0		3049	17	6
Of Mr. *Richard Munford*	4744	5	0		4269	16	6
Of Mr. *Samuel Ongley*	19654	15	0		17996	1	5
Of *Rich. Mounteny* Eſq;	3300	0	0		2970	0	0
Of Mr. *Gabriel Glover*	5500	0	0		4950	0	0
Of Mr. *Tho. Powell*	17200	0	0		15695	0	0
	99197	0	0		89799	1	11

which coſt

For Proviſion, *&c.* of the ſaid 99197 *l.* Stock, only computed at 200 *l.* 18 *s.* 1 *d.* to make up the 90000 *l.*	200	18	1
	90000	0	0

Thomas Cooke.

The Original being read by Sir *Tho. Cook*, and the Committee conceiving it to be imperfect, and not ſuch as the Act requires, they acquainted him that they expected a more particular Account of thoſe Matters from him. Whereupon,

Sir Tho. *C's further Diſcovery.*

To the firſt Sum of 10000 *l.* mention'd in the ſaid Writing, he ſaith, 'The ſame 'was paid to Mr. *Tyſſon* in *November* 1692.

'That he gave him no Directions how it ſhould be diſpoſed; but it was in Expec- 'tation to have the Charter of the *Eaſt-India* Company confirm'd, and new Regula- 'tions thereto made; and they concluded it for the Service of the Company. 'It was intended for the Service of the King, but he could not ſay the King had 'it.

'He believes the *Eaſt-India* Company never had any Account how this 10000 *l.* 'was diſpoſed: He told the Court (as he remembers) that he had diſpos'd of the 'Mony, and they requir'd no Account thereof.

'He

'He believes Mr. *Tyſſen* told him, that he deliver'd it to Sir *Joſiah Child*, who de-'liver'd it to the King: He ſaith 'tis a cuſtomary Preſent; and that in King *Charles*'s 'and other former Reigns, the like had been done for ſeveral Years; which by the 'Books of the Company may appear.

'That the Company, when this Preſent was made, were in an ill Condition: 'That he himſelf advanc'd this Sum, and had it not repaid in 4 or 5 Months time: 'the ſame, with the Intereſt thereupon due, was preſented to the King in Tal-'lies.

As to the 10000 and 2000 *l.* next mention'd in the Account; he ſaith, 'thoſe 'Sums were paid to Mr. *Richard Acton* about the ſame time; who declar'd, *he had 'ſeveral Friends capable of doing great Service to the Company's Affairs, and ſeveral of 'them would ſpeak with Parliament-men:* that he could not particularize who they 'were, but *the End aim'd at was to get an Act of Parliament.*

'That he the ſaid Sir *Tho. Cooke* offer'd to give the Company an Acccunt how the 'Mony was diſpos'd of, but they did not think fit to receive it. And further ſaith, 'that he knows no Man beſides Mr. *Acton*, who can give an account who had that 'Mony: That he entruſted this Mony wholly with Mr. *Acton*, taking him for an 'honeſt and able Man; the Court having given him Power, as he conceiv'd, to 'diſpoſe of the Mony by another Hand, as well as by his own. That the Induce-'ments for giving this Mony, were Fears of the Interlopers going out, and Subſcrip-'tions for a new Company going on; by which they apprehended the Company 'would be ruin'd.

'That to the beſt of his remembrance, there was a Bill at that time for another '*Eaſt-India* Company, and that the King had ſent a Meſſage to the Houſe of Com-'mons to ſettle the *Eaſt-India* Trade.

'That this 10000 *l.* was advanc'd by *Acton* himſelf, and not repaid him in ſome 'Months after: Which Mony he believes *Acton* paid away the ſame Seſſion. The 'other 2000 *l.* to *Acton* was for Intereſt, and his Pains, and Expences, which were 'great. *M.* Acton's *advance of* 10000 l.

'*Acton* did ſay he could tell ſome Perſons imploy'd in that Affair, He did un-'derſtand that *this Mony was to be laid out for promoting their Affairs in Parliament*; 'could not ſay to whom it was given, but *underſtood it went no further than the Houſe 'of Commons*, and that he found no good Fruit by ſuch Diſtribution.

'That Mr. *Acton* at that time had an Intereſt in the *Eaſt-India* Company, to 'the value of 10 or 20000 *l.* as he believes, and had ſo for ſome time.

'That he gave this 10000 *l.* with the Privity of Sir *Joſiah Child*, who recom-'mended *Acton* as a Perſon capable of doing the Company Service, *having great 'Acquaintance with Parliament-men*, and others who had Intereſt with them.

'That he knows not who *Acton* imployed in the Diſtribution of this Mony.

As to the 338 *l.* 7. *s.* 6 *d.* mention'd to be paid to Mr. *Molineux*; he ſaith, 'the ſame was paid him about the ſame time the Mony was paid to Mr. *Acton*; that 'Mr. *Molineux* told him this Mony was to be diſpos'd of to the Lord *Rivers:* But 'farther ſaith, that ſince his Confinement *Molineux* had been with him, to tell him 'that it was a wrong thing; that my Lord never had it, that he had made uſe of it 'himſelf.

As to the further Sum of 250 *l.* mention'd in the ſaid Paper, to be paid Mr. *Tyſſen* for the Service of the Company; he ſaith, 'It was paid him about the ſame 'time, and was in relation to *Salt-Peter*; but he cannot give any farther Account 'thereof.

'As to the 220 *l.* mention'd to be paid to Sir *John Chardin*; he believes it was 'for his own uſe, having expended great Sums in the Company's Service.

'As to the 350 *l.* paid to Mr. *Docminique*; he ſaith, He believes the ſame was 'expended by him, but he knows not to whom he gave it.

'As to the 382 *l.* 1 *s.* 8 *d.* paid to Captain *Germain*; he ſaith, That Mr. *Germain* 'told him, he had loſt 700 *l.* in the Intereſt of the Interlopers; who finding that 'Intereſt to decline, apply'd himſelf to him the ſaid Sir *Tho. Cooke*; propoſing 'that if he might have half the Mony which he had loſt repaid him, *he would come 'into the* Eaſt-India *Company's Intereſt:* Upon which Conſideration, the ſaid 382 *l.* '1 *s.* 8 *d.* was paid him.

As to the 1091 *l.* 13 *s.* 4 *d.* paid to Mr. *Fitz-Patrick* deceas'd; he ſaith, 'that '*Fitz-Patrick* told him he had a great Intereſt with the Lord *Nottingham*; that he 'would try what he could do, and he did not doubt but he might accompliſh great

'Services, provided he might have such a Sum of Mony: but he believes the said 'Fitz-Patrick kept the Mony himself.

'That *there was a Promise of a farther Sum*, if the intended Act of Parliament did 'not pass.

As to the 545 *l.* 16 *s.* 8 *d.* 'it was to be paid Mr. *Charles Bates* when the Charter 'was settl'd, and was paid accordingly in *Octob.* 1693. He himself had no Acquain-'tance with him; but Sir *Basil Firebrace* told him, *he had Acquaintance with several* 'Lords, *and nam'd the Marquis of* Carmarthen, *now Duke of* Leeds.

As to the first 10000 *l.* paid to Sir *Basil Firebrace*, 'it was paid him about *Novem-'ber* 1693; and it was always his Apprehension, that Sir *B. F.* kept it for himself, 'to recompense his Losses in the interloping Trade.

As to the several other Sums, which compleat the further Sum of 30000 *l.* paid to Sir *Basil*; he saith, 'they were paid at one time, tho depending upon several 'Contracts.

'That it was agreed, in case the Charter pass'd, *the Company should take* 60000 *l.* '*Stock of Sir* Basil Firebrace *at* 150 *l. per. cent.* when the Charter was pass'd. He 'put this Stock upon the Company at 150 *l. per. cent.* their Stock was then at 100 *l.* '*per. cent.* by which the Company lost 30000 *l.* He saith he never could tell to whom 'this Mony was distributed; nor would Sir *B. F.* give him an account of that Mat-'ter, tho often ask'd by him to do it. And Sir *Basil* said if he were further press'd, 'he would have no more to do in it.

'That the Charter being pass'd, the Company paid the 30000 *l.* about *January* '1693, in recompence for the Fall of the Stock. The Company was also to trans-'fer 40000 *l.* more Stock at 100 *l. per cent.* if an Act pass'd in 18 Months for con-'firming and inlarging their Charter; but the Act of Parliament not being pass'd, 'the Contract for that 40000 *l.* Stock became void.

Contracts produc'd by Sir Tho. Cooke.

Sir *Tho. Cooke* produc'd a Contract, dated the 19*th* of *Sept.* 1693, which was men-tion'd to be made in consideration of 300 Guineas paid to him; which consideration he declar'd he had not receiv'd.

He likewise produc'd another Contract, dated 25 *Octob.* 1692.

'He saith there were several Contracts; some to the value of 60000 *l.* on account 'of procuring a new Charter; and others to the value of 40000 *l.* on account of 'procuring an Act of Parliament. They were all in Sir *B. Firebrace*'s Name; one 'of each sort by him produc'd to shew the Nature of their Contracts.

'He saith the 30000 *l.* was paid to Sir *Basil*, or his Order, upon ten several Con-'tracts: It was paid in six several Sums, *viz.* 15 or 20000 *l.* and he thinks 10000 *l.* 'apiece (because no more than that Sum can be subscrib'd by one Person) to *Fowls* 'and *Wotton*; to Mr. *Edward Allen* 5000 *l.* to Mr. *Hornby* 5000 *l.* That the 30000 'and 10000 *l.* were subscrib'd into the *East-India* Company; and he believes the 'Subscribers can give better Information as to these Sums.

'He did not know but the Reason, why the 30000 *l.* was in ten several Con-'tracts, might be because Sir *Basil* might have occasion to distribute it to several 'Persons.

'As to the 90000 *l.* he saith that it was 990197 *l.* Stock, bought for 90000 *l.* of 'several Persons, for the Use of the Company, to make good the Contracts with 'Sir *Basil*, if he should chuse to accept Stock.

'That the Stock was transfer'd to several Persons to the Company's Use; that 'he was accountable for it, that they had his own Obligation for the same; part of 'which Stock was transfer'd to the Company, other part was sold to their Use, and 'they have the Mony.

Upon the 24*th* of *April*, Mr. *Comptroler* reported this Examination to the House of Commons; whereupon Debates arose about the same, and

Observations on the Report.

[*A*] inform'd the House, that the Earl of *Rivers* protested he never had a Penny; and tho he was now of another House, he had the same Esteem and Honour for this House as heretofore; and that he had mov'd the House of Lords, and they had sent for *Molineux*.

[*B*] obsery'd, thet as to all the little Sums, Sir *Tho. Cooke* knows well to whom they were given; but he could never learn to whom Sir *B. Firebrace* distributed the Monies he receiv'd; for Sir *Basil* would not give him an account of that Matter, tho often ask'd by him to do it; *Acton* would have told him, and he would not hear him: So between these two we are sawn. You have it among you Gentle-men.

[*C*]

[C] obſerves Sir *Tho. Cooke*'s long Preamble. He had inſpected his Papers, and had reduc'd his account into Writing, and deliver'd in that Paper: Yet we find nothing but Generals; not one date, not one time, *&c.* Hereupon he was exami'n'd by the Committee; and with great Difficulty what you have, was drawn from him.

As to the firſt 10000 *l.* we have but an Hearſay: Mr. *Tyſſen* told him he gave it to Sir *Joſiah Child*, who told him he gave it to the King.

As to the ſecond 10000 *l.* to Mr. *Acton*, *he proffer'd to tell him the Particulars, and he was unwilling to hear him*; but did not doubt but *Acton* would give a particular and ſatisfactory account of all diſtributed by him: And yet, in the ſame moment, being ask'd where, and in what Condition this *Acton* was; he declar'd he was a diſtracted Man, and not able to give you any account at all.

As to the 40000 *l.* to Sir *Baſil F.* he believes he kept 10000 *l.* to his own Uſe; and for the reſt, refus'd to tell him to whom, or for what, or when it was iſſu'd.

He mentions Contracts to the value of 60000 *l.* on account of procuring a new Charter, and alſo 40000 *l.* for an Act of Parliament.

They were not fools, but they parted with Mony very eaſily; their Proprietors are little beholden to them.

[D] ſays no Man is innocent, if every Man be guilty: We cannot be innocent if we do not lay our hands on theſe Men, they have betray'd us and the Company, and I hope themſelves. Let us go as far as we can, and then we ſhall not be in Fault: Moves that *Firebrace* and *Acton* be order'd to attend the next Day.

[E] ſeconds the Motion, and moves that they forgot not a Member of their own, who is accus'd for receiving a conſiderable Sum.

After this there came a Meſſage from the Lords, deſiring a Conference; which was had: And there the Lords acquainted the Houſe of Commons, that they had Intimation that Sir *Baſil Firebrace* is near at hand, and will appear; and that their Lordſhips are of opinion, that all future Examinations of any of the Perſons mention'd in the Report of Sir *Tho. Cooke*'s account, be had before a Committee of both Houſes, and that their Committee ſhall be the ſame it was laſt.

Thereupon the Houſe of Commons reſolv'd that the Members who were of the Committee for the Examination of Sir *Tho. Cooke*, ſhall be their Committee for Examination of the Perſons mention'd in the Report of Sir *Tho. Cooke*'s Account, and that they have Power to ſend for Perſons, Books and Papers.

Wedneſday, 24 April 1695.

In the Exchequer Chamber:

At the Committee of both Houſes appointed for the Examination of ſeveral Perſons touching the Receit and Diſtribution of Monies mention'd in a late Act, intitul'd, *An Act to indemnify Sir* Tho. Cooke, *&c.*

Sir *Baſil Firebrace* being interrogated touching his Receit of 10000 and of 30000 *l.* (charg'd on him by Sir *Tho. Cooke*) and alſo touching the Diſtribution thereof: *Sir* Baſil Firebrace's *Depoſition.*

Depoſeth, That the ſaid Sum of 10000 *l.* was given as a Gratuity to him by the ſaid Sir *Tho. Cooke*, for his Loſſes; of which he had given Sir *Tho. Cooke* a ſatisfactory account that he receiv'd the 10000 *l.* ſome time before the Charter for the *Eaſt-India* Company paſs'd.

That the ſaid Sum of 30000 *l.* was receiv'd by him by virtue of a Contract with Sir *Tho. Cooke*; it was for Favours and Services done.

That the Stock at the time of the Contract, valu'd at 150 *l. per cent.* falling afterwards to 100 *l. per cent.* the difference was 30000 *l.* which they made up to him.

That the Reaſon of the Fall of the Stock was the Ships not coming in; and if that had not happen'd, he the Deponent had gain'd as much as the 30000 *l.* paid him.

That he is poſitive the 10000 and 30000 *l.* were directly for himſelf, and for the Uſe of no other Perſon whatſoever.

That he paid no part of the ſame towards procuring a Charter, or Act of Parliament, nor made any Promiſe ſo to do.

That he had ſeveral Diſcourſes with Sir *Tho. Cooke* about uſing his (the Deponent's) Endeavours to procure a new Charter, for that it was his Intereſt ſo to do, after the Contracts were made. That

That he did uſe all his Intereſt to prevail with the Interlopers to forbear Proſecution, and that he did endeavour all he could to improve the Company's Stock; and made it in his Bargain, that the Company ſhould ſubmit to Regulations in their Charter.

He believes that Sir *Tho. Cooke* might *deſire him to acquaint him, how he diſpos'd of the Mony*; but that he (the Deponent) told him it was not fair, 'twas contrary to their Agreement; he was not to ask him, the Deponent, what he did with his own.

That in ſome of the Contracts the Conſideration, or *Præmium* (mention'd therein) was paid, and refers to the Contracts; that in ſome of them 5 *l. per cent.* in others five Shillings, is the *Præmium* mention'd.

That in the Contract, 15 *Septemb.* 1693, the 300 Guinea's were paid by a Note which Sir *Tho. Cooke* kept ſome time, and afterwards did deliver up to the Deponent, without having receiv'd any Mony from this Deponent.

Being ask'd what particular Service he did, or was to do for procuring a new Charter:

Saith, That he wiſh'd he might anſwer to that at ſome other time, being not well, not having ſlept two or three Nights, and much indiſpos'd as to his Health.

That he was unwilling to take too much upon himſelf, he thought he did great Service to the Company in Sollicitation, and other Services; he knew not of any Mony or Stock given to any Perſon whatever for procuring a Charter.

Being ask'd, whether the 30000 *l.* or the value of 30000 *l.* was wholly for himſelf, and was not diſpos'd to any other Perſon:

Saith, That no part of it was to any other Perſon but to himſelf except one 500 *l.* paid to Mr. *Powell*, whoſe Chriſtian Name he did not remember; but ſaith, he lives at *Thanet*-Houſe: That he was not ſure whether he paid that out of this or his own.

It was paid to *Powell* becauſe he had good Intereſt among the Interlopers, and was inſtrumental in reconciling Differences.

Die Jovis 25° Aprilis 1695.

In the Exchequer Chamber.

At a Committee of both Houſes appointed for the Examination of ſeveral Perſons touching the Receits of Monies contain'd in a late Act, and touching the Diſtribution thereof:

Hornby's Examination before the Committee of both Houſes.

Mr. *Hornby* Goldſmith, exhibiteth to the Committee an Extract of Sir *Baſil Firebrace*'s Account; which being examin'd, and compar'd by the Committee, was ſign'd by him (but in regard of the great Length thereof, and for that it no way tends to the Diſcovery of the Matters enquir'd about, the Reader is not here troubl'd therewith.)

He depoſeth, That at the time when he ſubſcrib'd 10000 *l.* into the *Eaſt-India* Company's Stock, he had Sir *Baſil Firebrace*'s Word for his *Security*, *in caſe the Stock fell*, *to have* 5000 l. *Part thereof repaid him*, if he this Deponent ſhould deſire it, at the end of that Year.

That he did call for his Mony at that time, and took the *Eaſt-India* Company's Bonds for it, payable in *March*; at which time a Sale commenc'd, and having his Mony then paid, he transferred it to the Secretary of the *Eaſt-India* Company.

To the other 5000 *l.* part of his ſaid Subſcription; he ſaith, That he had no Conditions from Sir *Baſil Firebrace* for that, having ſubſcrib'd before he knew ſuch Terms were to be had.

That he knows not whether Sir *Baſil Firebrace* made ſuch Terms with others or not; but hath heard he did the ſame with Mr. *Fowles*.

Mr. Fowles *examin'd.*

Mr. *Fowles* exhibited an Extract of Sir *Baſil Firebrace*'s Account, examin'd as aforeſaid, and ſign'd by him; but for the Reaſon before aſſign'd, it is not here inſerted.

He depoſeth, That he cannot remember the Names of any Members of Parliament to whom any Mony was paid by Sir *Baſil Firebrace*'s Order.

That he never keeps any private Notes, or Memorandums of Perſons Names to whom he pays Monies; and hath no other accounts (as to that Matter) but what are in his Books.

Sir *Baſil Firebrace* having deſir'd Leave to be call'd in, further depoſeth:

That

That having had a Treaty with Mr. *Bates*, whom he thought *able to do Service in passing the Charter*, and to have Acquaintance with ſeveral Perſons of Honour, he, this Deponent, gave two Notes for 5500 Guineas to Mr. *Atwell*, payable to Mr. *Bates* or Bearer. *Mr.* Bates *has Notes for* 5500 *Guineas.*

That one Note was for 3000 *l.* and the other for 2500 *l.*

That he, this Deponent, did put the Notes into Mr. *Bates*'s hands; who told this Deponent, that he would deal with him for himſelf; and if the Buſineſs were done he would keep the Notes, elſe deliver them again.

That the 2500 Guineas were paid after the Charter for reſtoring the *Eaſt-India* Company paſs'd; the other for 3000 Guineas after the Charter for Regulation paſs'd.

That he had theſe Notes from Sir *Tho. Cooke*, and was accountable to him for the ſame, which he put into Mr. *Bates*'s hands.

That the ſaid *Thomas Cooke* did know, as this Deponent verily believes, how theſe Notes were to be diſpos'd of: And further ſaith, he told Sir *Thomas Cooke* that Mr. *Bates* had Acquaintance with ſeveral Lords, naming the Lord Preſident and others.

That he this Deponent could not tell whom this Mony was deſign'd for, or what *Bates* did with it; for that *Bates* would not deal on ſuch Terms of telling Names.

That *Bates* did introduce him this Deponent ſeveral times to the Lord Preſident, who made ſome Scruples in point of Law: Upon which this Deponent deſir'd his Leave that the Attorny General might wait upon him, and he accordingly brought him.

That he doth not remember any other Lord to whom *Bates* introduc'd him.

He ſaith, that one Day laſt Week the 5000 Guineas were offer'd by *Bates* back again to him, who ſaid, that this might make a Noiſe: That if Sir *Thomas Cooke* thought it too much, he would give it him again: and that on Tueſday laſt 4400 Guineas, being the value of 5500 *l.* was brought to this Deponent.

That the other 500 Guineas are ſtill in *Bates*'s Hands.

That Sir *Thomas Cooke* did ſcruple to take back this Mony at firſt, but afterwards did conſent to it, the Morning when he was brought up before this Committee: whereupon this Deponent gave him *Fowles*'s Note for the Mony, payable to Mr. *Atwell*, or the Bearer. And this Deponent believes the ſaid Sir *Thomas Cooke* had a double Account, the one was made up with this Sum, the other without it. *Mr.* Bates *offers* 5000 *Guineas back again.*

He further ſaith, that *Bates* would have paid back the whole, but Sir *Thomas Cooke* ſaid the Account would not be even if the 500 Guineas were brought into that Account.

That this was no part of the 40000 *l.* before-mention'd in this Deponent's Examination, and paid to him this Deponent; which 40000 *l.* this Deponent ſaith was wholly his own; that he always took care to have it particularly underſtood that it was for his own Uſe and Benefit. The ſame was declar'd before Witneſſes.

That they found great Stops in the Buſineſs of the Charter, they apprehended it proceeded ſometimes from my Lord *Nottingham*, ſometimes from others.

That Colonel *Fitz-Patrick* receiv'd 1000 Guineas on the ſame Terms as was with others, if the Charter paſs'd. He pretended great Intereſt with my Lord *Nottingham*, and that he could get Information from the Lady *Derby* how the Queen's Pleaſure was. Colonel *Fitz-Patrick* ſaid he would try to prevail with the Lord *Nottingham* for 5000 Guineas upon paſſing the Charter, and 5000 *l.* on the Act of Parliament, but the Lord *Nottingham* refus'd to take it. He heard a Note (ſign'd by Sir *Joſiah Child* and Sir *Thomas Cooke*) for 50000 *l.* was lodg'd in *Tyſſon*'s hands, for about a Year, to be paid in caſe the Act paſſed; and that it was refus'd (as he underſtood) by my Lord *Portland*: That *Tyſſon* told him he had made an Offer, and it was rejected: That *Tyſſon* told him this lately. *Col.* Fitz-Patrick *receiv'd* 1000 *Guineas.*

That 1000 Guineas were entred in the *Eaſt-India* Company's Books, and were to be paid to Mr. *Ward* and Mr. *Fawkoner*, who are of the interloping Intereſt, and made great Oppoſition to the Charter. Mr. *Ward* ſaid if he had 1000 Guineas he would bring over others to the Company's Intereſt: Theſe 1000 Guineas were to be paid on Arrival of the Ship *Seymour*.

That Sir *William Pritchard* and Dr. *Ratcliffe* did accept ſome *Eaſt-India* Stock, but on the ſame Terms as any Merchant might have done, and they paid their Mony for it.

Richard Acton depoſeth, That he receiv'd of Sir *Thomas Cooke* the Sums of 10000 *l.* and 2000 *l.* That he this Deponent did tell Sir *Thomas Cooke*, he had Friends who would take Pains to do the Company Service, but they would have 10000 *l.* *Mr.* Acton *examin'd.*

That

That Sir *Thomas Cooke* agreed 10000 *l.* ſhould be given; whereupon this Deponent advanc'd that Sum. This Deponent had 2000 *l.* for his Pains and Trouble in attending two Seſſions. If the Bill for a new Company had paſs'd, this Deponent was to have had nothing.

That he verily believes he gave Sir *Thomas Cooke* an Account to whom he diſtributed it, or elſe he thinks the Mony had not been truſted to him.

That he did not diſtribute it to Members, but to thoſe who had Intereſt with Members.

Some of them to whom he gave Mony to be diſtributed, were Mr. *Craggs*, with whom this Deponent was concern'd in clothing the Army (*who had Acquaintance with Colonels in the Houſe, and ſome Northern Members*) Mr. *Wallis*, Mr. *Ridley*, Mr. *Docminique*. Mr. *Goldwell* (who is ſince dead) *was the only Man whom he himſelf gave Mony to.*

That if he had a little time to peruſe his Papers, he could recollect further. He then deliver'd in the following Account:

Mr. ACTON's *Account.*

M. Acton's *Account.*

	l.	*s.*	*d.*
To Mr. *James Craggs*,	4540	00	00
To Colonel *Goldwell*, [a Member dead]	1000	00	00
To Mr. *Cupper*,	103	00	00
To Mr. *James Creſſet*,	200	00	00
To Mr. *Killigrew*,	50	00	00
To Colonel *Dean*, [a Member dead]	50	00	00
To Mr. *Thomas Lloyd*,	350	00	00
To Mr. *Edward Ridley*,	500	00	00
To Mr. *Thomas Pullen*,	50	00	00
To Col. *Philip Darcy*,	300	00	00
To Mr. *Edward Roberts*,	200	90	00
To Mr. *Paul Docminique*,	500	00	00
To Colonel *Vaughan*,	150	00	00
To Expences in two Seſſions,	1300	00	00
To my ſelf for advancing Mony, and Intereſt, and Gratuity,	2000	00	00
In all	11293	00	00

[*It may be remark'd upon Mr.* Acton's *Account, and the Examinations of all others concern'd in the Diſtribution of vaſt Sums of Mony for the* Eaſt-India-*Company, that not one Member of the Houſe of Commons is charg'd with a Penny ſave Col.* Goldwel *and Col.* Dean, *of whom the one got but the poor ſcandalous Sum of* 50 l. *the other* 1000 l. *and theſe Gentlemen were both dead. But,*

The City and Chamberlain of London *dealt very candidly, they frankly detected two living mercenary Members, Sir* John Trevor *and Mr.* Hungerford, *who were expell'd the Houſe for taking Monys upon the ſcore of the Orphans Bill.*

The Electors of Members of Parliament may do well to be caution'd by theſe corrupt Practices, to weigh well upon whom they caſt their Votes upon future Elections; and that is particularly recommended to Colonel Goldwel's *late Maſters of the Corporation of St.* Edmunds-Bury *in* Suffolk.]

Mr. Powell *examin'd.*

Nathaniel Powell depoſeth, That he was very inſtrumental in cauſing a good underſtanding between Sir *Thomas Cooke* and the Interlopers.

That he concerted how to bring about Meetings between Sir *Thomas Cooke* and Sir *Baſil Firebrace*, who had been of a different Intereſt.

That Sir *Baſil* made ſome Terms with Sir *Thomas Cooke*, upon which a Charter was to be had.

That he perceiv'd by Sir *Baſil Firebrace* there was ſome Difficulty in the Matter. Sir *Thomas Cooke* inſiſted to know what Sir *Baſil Firebrace* did with the Mony, which Sir *Baſil* refus'd to let him know.

That he always withdrew at their Meetings, his Buſineſs being only to go on Errands to procure Meetings; and that one Day he this Deponent ask'd Sir *Baſil Firebrace*, whether he intended to make a Porter of him? Sir *Baſil* gave him his Word that he ſhould have 500 Guinea's, and that about two Months ſince he did receive 530 *l.* tho the Promiſe was to have it paid upon paſſing the Charter.

That

That he hath bought 10 or 15000 *l.* Stock at one time of Sir *Tho. Cooke*. He never took it to be the *East-India* Company's, but Sir *Tho. Cooke*'s proper Stock; and had his Contract for the Repaiment of it in six Months, if desir'd: He generally had it repaid. If any Loss was, he always look'd upon it as Sir *Thomas Cooke*'s, and not the Company's Loss.

Die Veneris, 26 Aprilis, 1695.

Exchequer Chamber.

At the Committee of both Houses.

MR. *Wotton* exhibited a particular Extract relating to Sir *Basil Firebrace*'s Account, taken out of his Cash-Book, which was the same which Mr. *Fowles* had before exhibited.

Mr. Bates examin'd.

Mr. *Bates* had been summon'd to appear the preceding Day, and was seen going thro *Westminster-Hall* between 5 and 6 at Night, yet could not be found, tho the Lords sent Messengers to look for him: Upon which their Lordships order'd him to be taken into Custody; and being now sworn and examin'd, he deposeth, That Sir *Basil Firebrace* did apply himself to him to use his Interest for obtaining a Charter for the *East-India*-Company, the old Charter being forfeited, and told him this Deponent they would be very grateful for it, but cannot remember that any particular Sum was nam'd.

That he this Deponent did use his Interest with the Lord President, who said, he would do what Service he could: And further saith, that the Lord President had deliver'd his Opinion publickly for confirming the Charter, and thought the Forfeiture a Hardship.

That the Lord President had often shew'd himself his Friend.

That he receiv'd three Notes for 5500 Guineas in the whole: That he sent a Servant to receive the Mony, but can't say the time: That he told the Lord President what Sum he had, and would have passed it upon my Lord, but he refus'd it. Whereupon this Deponent, in regard he could not very well tell Mony himself, did ask leave of my Lord that his Servant might tell the Mony. To which my Lord answer'd, He gave Leave; and accordingly Monsieur *Robart* did receive the Mony.

That he had not the Notes till after one Charter pass'd; but he saith, that the Notes were given altogether at one time, and that he this Deponent gave no Counter Notes when he receiv'd them; but afterwards he being examin'd to the same Matter, was not positive that Counter Notes were not given: That he thinks when he had the first Treaty with Sir *Basil Firebrace*, Sir *Basil* did say he this Deponent should have a Sum, and thinks he nam'd a particular Sum.

That 500 Guineas were receiv'd before *June* last, and the other 5000 Guineas afterwards.

That the said Notes were not out of his Possession from the time that he first had them, to the time he gave them to Monsieur *Robart* to receive the Mony; who, after he had receiv'd it, brought the same to him, which *hath remain'd in his the Deponent's Possession in his own House, till he paid* 4400 *Guineas thereof back again to Sir* Basil, which, as he takes it, was upon Monday or Tuesday last. And being examin'd again to the same Matter, saith,

That these 4400 Guineas paid back to Sir *Basil*, were in four Bags, with eleven hundred Guineas in each, brought to him by *Robart*, within a Month last past. As to the 600 Guineas remaining of the 5000, he at first said *he had spent the same*; and being afterwards examin'd to the same Matter, did say, *they were at home in his Study*; but he may have spent some.

The Reason why he paid back the 4400 *Guineas was the Noise that it made*, and that People may think that he did not deserve them.

That the whole 5500 Guineas were for his own private Use, and that he might have given them to his Footman.

Sir Basil Firebrace *examin'd about Mr.* Bates.

Sir *Basil Firebrace* deposeth, That the *East-India* Company's Charter being forfeited, Sir *Thomas Cooke* and others apply'd themselves to him, observing him active, and to have Interest among Noble-men, to endeavour the procuring a new Charter. That Sir *Thomas Cooke* was apprehensive that it stuck with the Duke of *L—*, and told him this Deponent, that some way must be found out to the Duke. He thereupon apply'd himself to Mr. *Bates*, who would not pretend to talk with

the Duke; but ſaid, He the Deponent muſt tell him what the Company would do. That he told Mr. *Bates* he thought a Preſent might be made of 2 or 3000*l.* That Mr. *Bates* told him he went to St. *James*'s, and ſaid, he had ſpoke with his Friend; and that more had been offer'd by the other ſide: At another time he ſaid more was offer'd by one ſide; and at laſt ſaid, that 5000*l.* had been offer'd by another hand on the ſame ſide: Upon which he this Deponent did not come up to the Market. That he acquainted Sir *Thomas Cooke* with this Propoſal, who ſaid, if it was inſiſted on it muſt be done; and ſo it was agreed to offer 5000 Guineas. *Bates* then ſaid, this was nothing to him, he ought not to be employ'd for nothing. So this Deponent was forc'd to go back to Sir *Thomas Cooke* for new Orders; and ſo 500 Guineas were given to him beſides. That at firſt *Bates* ſaid, he would undertake no further than that the Duke ſhould not oppoſe, but be ſilent, becauſe he did not know but the Duke had engag'd himſelf by having ſpoke on the other ſide. That he this Deponent did except againſt this, becauſe he would not let the Company's Mony go for nothing; and it would reflect upon him if nothing appear'd to be done for it.

It was then agreed, that if the *Duke* did act in favour of the Company, he ſhould have 2 and 3000 Guineas, and *Bates* 500 Guineas to himſelf. He this Deponent would have put off his 500 Guineas to the laſt, to ingage him to take the more Pains; but *Bates* ſaid his Friend would have him have the 500 Guineas to himſelf firſt.

Sir *Baſil* produc'd a Copy of Mr. *Bates*'s Receit of a Note for 3000 Guineas, which he thereby promis'd not to call for till the Charter ſhould paſs: The Original Mr. *Bates* had back when the Mony was paid; and he this Deponent had not taken a Copy of the Counter-note for 2500 Guineas.

April *the 26th*, 1695.

The Copy of the Receit then produc'd by Sir Bazil Firebrace.

'I *Charles Bates* of *Weſtminſter* Eſq; do hereby acknowledg to have receiv'd of Sir *Thomas Cooke* of *London*, Kt. one Note ſigned by *William Atwell* for himſelf and Company, dated the 8*th* Inſtant, and payable to my ſelf for 3000 Guineas, which I promiſe not to receive or alter the Property of, till ſuch time as the Charter now depending before their Majeſties, for making of Regulations, Alterations, and Additions to the Charter and Stock of the preſent *Eaſt-India* Company, ſhall paſs the Great Seal of *England:* And in caſe the ſaid Charter ſhall not paſs the Great Seal on or before the 25*th* day of *March* next, I do hereby for my ſelf, my Executors and Adminiſtrators, covenant and agree to and with the ſaid Sir *Thomas Cooke*, his Executors and Adminiſtrators, to reſtore and return the above-mention'd Note, in the ſame manner I receiv'd the ſame: But if the ſaid Charter ſhall paſs the Great Seal on or before the day above-nam'd, then the Mony mention'd in the ſaid Note to remain to me without farther Account for the ſame. Witneſs my Hand this 9*th* day of *September* 1693.

Witneſs *Charles Bates.*
B. F.

Sir Baſil Firebrace *his Depoſition ſtill.*

The Deponent further ſaith, That after the firſt Charter was paſſed in *October*, he ſent to Mr. *Bates* that he might call for the Mony, and he did call for it in two or three days: That the other Note was paid in a Week after the paſſing the ſecond Charter. *From the time the Notes were given they had free acceſs to my Lord Preſident, and found him eaſy and willing to give us his Aſſiſtance.*

That Mr. *Bates* was ſhy, and call'd it *his Friend at St.* James's: That the Condition of one Draught which Mr. *Bates* brought, was worded, *in caſe the Lord Preſident did not aſſiſt the Company in paſſing the Charter*; to which this Deponent made an Alteration, by putting out my Lord's Name, and making it not payable in caſe the Charter ſhould not paſs, or to that effect; Bates *ſaid it came from his Friend at St.* James's.

That about a Week before the Mony was brought back again, this Deponent went to *Bates* about it, who then told him, *it was all for himſelf.*

That on Sunday night laſt, or Monday, *Bates* being at his own Houſe, ſaid, *He had not the Mony by him, but he would fetch it; and that the Mony he thought was in Silver:*

wer: But afterwards told this Deponent it was only a Miſtake, and had brought it in Gold, which by computation came to the ſame Sum.

That when this Deponent told him, that *Sir* Thomas Cooke *would not take the whole back*; *Bates* ſaid, *He could give no anſwer to it till he had ſpoke with his Friend.*

This Deponent ſaith, That on Monday laſt 500 Guineas were left at his Houſe by Mr. *Clive*, a Friend of Sir *John Trevor*'s, who ſaid, he brought it from Sir *John Trevor*, to whom Sir *Thomas Cooke* had before paid it with his own hands, under colour of an Arrear for four or five Years, as he had been Commiſſioner of the Great Seal; and that he this Deponent was preſent when Sir *Thomas Cooke* gave it: And there was at another time 200 Guineas order'd to be given to him the ſaid Sir *John Trevor* as a New-Year's Gift, by Sir *Joſeph Herne.*

That as to 20000 of the 30000 *l.* before-mention'd, the ſame Sums were not actually paid till ſince *Lady-day.* And as to the other 10000 *l.* he hath it now in Stock in the *Eaſt-India* Company.

That as to 5000 *l.* part of the ſaid 30000 *l.* he did *deſign one third thereof to Sir* Edward Seymour, *one third to Sir* John Trevor, *and one third to Mr.* Guy. 5000 l. *deſign'd for 3 Perſons.*

That he offer'd the ſame to them by Mr. *Guy:* But Mr. *Guy* told him this Deponent, *they did not deſire to meddle with the Stock*, but would do any Service they could to promote getting the Charter. And Sir *Edward Seymour* afterwards meeting him this Deponent, chid him for making that Propoſal, and told him, if he made any more ſuch Proffers, he would never have any thing more to do with him.

That he this Deponent did tell Mr. *Guy*, *that the Advantage to them in paſſing the Charter and Act of Parliament would be worth* 10000 *l. among them.*

That he this Deponent did intend a Diſtribution of all the 30000 *l.* in manner following, *viz.* 30000 l. *how to be diſpoſed.*

To Sir *Edward Seymour*, Sir *John Trevor*, and Mr. *Guy*, 10000 *l.* in caſe the Charter and Act of Parliament paſſed. To the Merchants *Interlopers* 10000 *l.* and *to himſelf* 10000 *l.*

That he this Deponent thought himſelf oblig'd in Honour to pay two thirds of the 5000 *l.* when receiv'd, to Sir *John Trevor* and Mr. *Guy:* the other third which he intended for Sir *Edward Seymour*, he kept for himſelf. That Sir *John Trevor* did ſome time afterwards give this Deponent ſome hints of his Expectation.

Sir *Joſiah Child* being examin'd, ſaid, He never diſpos'd of 10 *l.* of the Company's to his remembrance; always affecting Ignorance in that Matter. Said, he did recommend Mr. *Acton* as being an honeſt Man, and thought he might do Service to the Company in Parliament, becauſe of his Acquaintance: That he did recommend it that a Preſent of 50000 *l.* ſhould be made to the King, if his Majeſty would ſo far wave his Prerogative, that an Act of Parliament might be paſſed for ſettling the Company; but Mr. *Tyſſon* told him, *the King would not meddle in that Matter.* *Sir* Joſiah Child *examin'd.*

That he knew nothing of the 40000 *l.* paid to Sir *Baſil Firebrace:* ſays, there was a kind of a Committee of 25 Perſons that ſat *de die in diem*, to deſtroy the Company; and he told Sir *Thomas Cooke* that he thought Sir *Baſil the fitteſt Perſon to divide them.*

Mr. *Atwell* produc'd his Caſh-Books, by which it appears that,

	l.	*s.*	*d.*
October 9. 1693. Mr. *Bates* had receiv'd	545	6	3
October 10.	2181	5	0
November 16.	3275	0	0

And ſaid, the Mony was paid by Order of Sir *Thomas Cooke.*

Mr. *Bates* being again examin'd, ſaid, he believ'd the Mony might be paid as the Books expreſs'd. And further own'd, that he had not 4400 Guineas in his Houſe on Sunday night laſt, but that the 4400 Guineas which he paid back to Sir *Baſil Firebrace*, were brought to him by Monſieur *ROBART* on Tueſday morning laſt 8 a Clock.

Mr. *Tyſſon* being examin'd, ſaid, That Sir *Thomas Cooke* and Sir *Joſiah Child* gave him a Note under their Hands for 50000 *l.* which was intended to be preſented to the King, if his Majeſty would paſs an Act of Parliament as they ſhould deſire. *Mr.* Tyſſon *examin'd.*

That he acquainted the Lord *PORTLAND* of the Company's Intention to make ſuch a Preſent; who told this Deponent, that *the King would not meddle with it.* And,

Being ask'd whether he had offer'd the ſame to the Lord *Portland*, he deny'd he had ſo done, ſaying, *if he had, he muſt never have ſeen his Face more.*

He ſaith, that when he was examin'd before the Houſe of Commons, he did not take it that the 10000 *l.* given to his Majeſty was included in the Sum charg'd upon Sir *Tho. Cooke*, being before the Date of any Order for that Mony.

Mr. Craggs *examin'd.* Mr. *Craggs* being examin'd, gave in an Account how he had diſpos'd and apply'd 4540 *l.* with which he was charg'd by Mr. *Acton*, which Account is undermention'd; and he deny'd that he ever paid any Mony to Members of Parliament.

An Account of the Diſpoſal of 4540 l. *which I receiv'd of Mr.* Acton, *which was diſtributed in the manner following:*

	l.	*s.*	*d.*
To Mr. *Wallis* for his Sollicitation, and Encouragement to engage in the Company's Stock and Intereſt,	1150	0	0
To Mr. *Chudleigh* for his Pains and Sollicitations	100	0	0
To Mr. *Ridley*, which was all or the greateſt part given to Mr. *Ferguſon*, to the beſt of my remembrance	104	0	0
To Mr. *Darcy* 50 Guineas in part for ſolliciting and application in the Company's Affairs	54	0	0
To Mr. *Robarts* in part for the ſame	54	0	0
More in Expences for the Year 1692.	390	0	0
More in Expences for the Year 1693.	460	0	0
More in Expences for the Year 1694.	410	0	0
More for Encouragement of my Friends and ſelf to ſubſcribe 7000 *l.*	350	0	0
More for my own Pains and Sollicitations to prevent a new Settlement, and endeavouring to eſtabliſh the old *Eaſt-India* Company.	1468	0	0
In all	4540	0	0

James Craggs.

The Report of the Committee of both Houſes. Mr. Comptroller upon Saturday the 27*th* of *April*, made a Report from the Committee of both Houſes of the ſaid Examinations by them taken; which being read, after the reading the ſame, the following Debates aroſe.

Debates thereupon. [*B*] ſtood up and ſaid, 'Mr. Speaker, I conceive there is a Neceſſity to ſearch 'this Matter to the Bottom. The Houſe has a Thred in their Hands, they ought 'to provide Laws for the future to prevent the Members of this Houſe taking Mo- 'ny. All imaginable Endeavours have been us'd to ſtifle all Diſcoveries. 10000 *l.* 'has been pretended to be given to the King. 50000 *l.* offer'd to buy an Act of 'Parliament, or gain their Charter. The Facts prove themſelves, and Mr. *Bates* 'appears an unfortunate Perſon, whom the care of his Friend (the D—of *L*—) 'and the Senſe of his Oath have caus'd to make ſuch Contradictions.

'I move that the Houſe would put the Matter in ſuch a Method as becomes their 'Juſtice, and as the ſhortneſs of their time will allow.

'[*D*] Mr. Speaker, I do fully agree with the worthy Perſon near me, that there 'never were greater and more general Inſtances of Corruption, and Neceſſity of 'ſpeedy Remedy. That it is very fit this Houſe ſhould let the World ſee that they 'are in earneſt.

'I ask leave to put you in mind, what Practice and Arts have been us'd to ſtifle and 'ſtop your Diſcovery, ſo that what you have is, as it were, by the utmoſt Force 'and Conſtraint. You cannot wonder at it, when you now find ſo great a Man at 'the Bottom; but there is no Perſon in a Poſt ſo high that this Houſe cannot reach, 'no Man's Practice or Art ſo deep that this Houſe cannot diſcover.

'Here have been all imaginary Endeavours us'd to obſtruct this Enquiry. Firſt, 'His Majeſty's Name was made uſe of at the Committees, with hopes perhaps that 'that might ſtop any farther Enquiry; and if it were made uſe of there, you may

'reaſo-

'reasonably expect it was made use of elsewhere: But that appear'd to be so far 'from being a Matter of Reflection on the King, that Sir *Josiah Child* often com-'plain'd of it as a Rudeness to his Majesty, that what other Kings had yearly as a 'Present, they had not offer'd to his Majesty in three Years: It was indeed, if not a 'matter of Right, a matter of Custom.

'Then a Noble Lord, who may be nam'd for his Honour upon this Occasion, the 'Earl of *Portland*, he when the great Sum of 50000 *l.* was press'd upon him, did 'absolutely refuse it, and told them he would for ever be their Enemy and Oppo-'ser if they offer'd any such thing to him.

'I having thus mention'd the Innocent, must say somewhat of the Guilty. A 'stop having been put, the D— of *L*— must be apply'd to: Certainly there ne-'ver was a more notorious Bribery, and that in a Person whom we might have ex-'pected to have been free from such a Crime, whether if you respect the Greatness 'of his Place, or of *his former Obligation.* It is fit to speak plainly on such Occa-'sions, the House ought to endeavour to remove such a Person from the King's 'Council and Presence. What Security can the Nation have, when we are bought 'and sold to one another? We have seen our Designs defeated, our Attempts be-'tray'd, and what wonder is it? Can any man think it more strange that our Coun-'sels should be sold abroad, than that Charters should be sold at home? Certainly a 'Man may reasonably believe, that he who will sell the Subjects, will sell the King-'dom if he can have a sufficient Bribe. What Prince can be safe in such Counsels 'which are given for private Advantage?

Concluded,

'That several Propos'als for Remedy may be here offer'd. One, that this House *D. of L. to be impeach'd.* 'should address his Majesty to remove the D— of *L*—; but, with submission, an 'Address is too mean, too low a thing for the House to do at this time, and upon 'such an occasion: I therefore move we may lodg *an Impeachment.*

'That *Tho.* D— of *L*—, Lord President of his Majesty's Council, be impeach'd 'by this House.

Or thus,

'That *Tho.* D— of *L*— be impeach'd by this House of high Crimes and Mis-'demeanors; and particularly of Corruption in taking a Bribe of 5000 Guineas 'to obtain a Charter and Regulation for the *East-India* Company.

[*E*] says, 'I wonder the Gentleman who spoke last should say that which I hope 'he did not believe, That that Lord should have sold our Counsels to *France.*

[*D*] rose and said, 'It is with some uneasiness I stand up, but that Gentleman 'forces me to it, for I do not take pleasure to rake in a Dunghil. I was far from 'saying any such thing, but argu'd only from possibility; that it was as reasonable 'to believe one as the other. That when Honour and Justice were not the Rule of 'Mens Actions, there was nothing incredible that might be for their Advan-'tage.

'[*F*] seconds and agrees in the Motion for an Impeachment.

[*G*] says, 'That God alone, who can produce Light out of Darkness, can fully 'discover the dark Practices in this Affair. That such Actings as these are a Ble-'mish, if not a Scandal to the Revolution it self; I agree in the Motion for an Im-'peachment.

The Question propos'd, *viz.*

'That *Tho.* D— of *L*—, President of his Majesty's Council, be impeached by 'all the Commons of *England* of high Crimes and Misdemeanors.

[*I*] thereupon demanded, 'By what Law it is a Crime to take Mony at Court? *Debates upon it.*

[*K*] answer'd, 'If there be not a Law, it is time there should be a Law to pre-'vent it.

[*L*] says, 'The Law of God is against him, and broke by him. He took an 'Oath as a Privy-Counsellor. Justice is not to be sold by the Common Law. But 'there are Parliaments to punish such Crimes, and 'tis hop'd there will be still.

[*M*] says, 'It seems doubtful whether there be Matter in this Report for an Im-'peachment; therefore before the House goes to an Impeachment, they ought to 'put the Question upon the Report, and see whether it be a Crime.

[*N*] objects, 'There is no Law, so no Transgression.

Upon the Debate the Question was alter'd to,

'It appears to this House, that there is in the Report now made from the Com-'mittee of both Houses sufficient Matter to impeach *T.* D— of *L*—, Lord President 'of his Majesty's Council, of high Crimes and Misdemeanors.

O, *P*, *Q*, *R*, all moved for excuſing.

After theſe Debates it was reſolv'd by the Houſe as follows, *viz.*

Reſolv'd, 'That there does appear to this Houſe, upon the Report from the 'Committee of both Houſes, appointed to examine the Perſons mention'd in the Re- 'port of Sir *Thomas Cooke*'s Account, that there is a ſufficient Matter to impeach 'T. D— of *L*—, Lord Preſident of his Majeſty's moſt Honourable Privy-Council, 'of high Crimes and Miſdemeanors.

Reſolv'd, 'That T. D— of *L*—, Preſident, *&c.* be impeach'd of high Crimes 'and Miſdemeanors. Hereupon,

D. of L. *impeach'd in the Houſe of Commons.* The Houſe order'd Mr. Comptroller to go up to the Lords, and at their Bar, in the Name of the Houſe, and of all the Commons of *England*, impeach *Tho.* D— of *L*— of high Crimes and Miſdemeanors; and acquaint them that this Houſe will in due time exhibit particular Articles againſt him, and make good the ſame.

D. of L. *comes to the Houſe of Commons.* [*S*] inform'd the Houſe of Commons that the D. of *L*— was at the Door, and deſir'd to be admitted into the Houſe to be heard; and he was admitted, and a Chair plac'd for him within the Bar. And,

Mr. Speaker told him that the Houſe being inform'd that his Grace deſir'd to be heard, were ready to hear him, and that there was a Chair that his Grace might repoſe himſelf, and ſignify'd to him that he might pleaſe to be cover'd.

The Duke thereupon ſat down, put on his Hat, then roſe, uncover'd himſelf, and ſaid,

His Speech in the Houſe of Commons. 'Mr. Speaker, and Gentlemen of this Houſe, in the firſt place I thank you heartily for this Favour of hearing me.

He then proceeded, declaring 'his Innocence, and that he had attended ſooner 'if he had had the leaſt Intimation what the Houſe was upon: he wiſh'd the diſ- 'patch thereof had not been ſo quick. That the occaſion of his coming was from 'the two Votes upon the Report from the Committee of both Houſes: that he had 'done all he could to be inform'd of the Particulars, but could not, nor had any 'Notes. That finding himſelf concern'd, he was earneſt therein; hearing of a 'Report, a monſtrous long Report, to the end he might not lie under the Diſplea- 'ſure of either, or both Houſes.

He added, 'It is a bold Word, but 'tis a Truth, *This Houſe had not now been ſit- 'ting but for me.*

'That he was formerly purſu'd by this Houſe in two Points; for being for the '*French Intereſt*, and for *Popery:* That he had then *(if he might have been heard)* 'juſtified himſelf, and hop'd he had ſince, and will by all the Actions of his 'Life.

'That one *Firebrace*, by the means of Mr. *Bates*, was introduc'd to him: That 'he had long known Mr. *Bates*; and if he be not much deceiv'd in him, he can- 'not believe that Gentleman would have tranſacted ſuch a Matter, if put up- 'on it.

'That the Evidence is but an Hear-ſay, and he hopes they will not condemn on 'Hear-ſay: That he would not take up their time by entring into Particulars.

'That as well as a *Treaty-part*, there is alſo a *Mony-part*; that as to the *Mony- 'part*, much of it is falſe, and what is true he has made no Secret: That he can, 'and doth ſay, that (neither directly nor indirectly, *upon his Faith and Honour) be 'never touch'd one Penny of the Mony.*

'That he obſerves a great deal of pains has been taken to hook and draw in this 'Matter by a ſide-wind: That this *Firebrace* thinks his Merit will deſerve 10000 *l.* 'and 30000 *l.* That this 5500 Guineas was no part of the 40000 *l.*

'That the Witneſſes were call'd in by the Committee; but in this, *Firebrace*, af- 'ter his firſt hearing, deſired to be call'd in again himſelf, contrary to all Rules: 'This ſhews him at leaſt a very willing Witneſs.

'That he has a Thred which he hopes to ſpin finer; and make it appear, that 'this was a Deſign laid againſt him long before the naming this Committee: That '*Warning was given him ſome time ſince that this Matter would be improv'd againſt 'him:* That *Firebrace* had been told, he ſhould be excus'd if he would charge the 'Duke.

'He asks no Favour, but your favourable Juſtice: That it will be a moſt un- 'fortunate thing in point of time, to be under the Diſpleaſure of this Houſe, or of 'the Nation.

'He prays that no ſevere ſenſe may be put on what will bear a candid one; and 'that if it may be, the Houſe would reconſider what is done, or at leaſt preſerve 'him

'him from Cruelty, and not let him lie on the Rack, and be blaſted until a Parliament ſhall ſit again.

'That if they will proceed, it may be ſpeedily; for he had rather want Counſel, want Time, want any Thing, than lie under their or the Nation's Diſpleaſure.

He concluded, 'renewing his Thanks, and praying, if they would not reconſider, that then the Matter may be brought to a determination, and that he may 'have at leaſt their *ſpeedy Juſtice*.'

This Speech being ended, and the Duke withdrawn, Mr. Comptroller went up to the Lords (attended by many Members) with the Impeachment. And,

The Impeachment ſent to the Lords.

At that inſtant it was propoſed in the Houſe, That the Articles ſhould be forthwith drawn up; and thereupon the Committee which were join'd with the Lords, were appointed to withdraw and prepare Articles of Impeachment againſt the Duke of *Leeds*.

[*Note*, This Order was made when many of the Members were gone up with Mr. Comptroller to the Houſe of Lords; and it was done in ſuch haſt, that the Committee had no power to ſend for Perſons, Papers, *&c*]

Mr. Comptroller return'd, and reported to the Houſe, that he had been at the Lords, and at their Bar impeached the Duke of *Leeds* of high *Crimes and Miſdemeanors*; and acquainted them that this Houſe will in due time exhibit particular Articles againſt him, and make good the ſame.

After the Duke's withdrawing, the Houſe of Commons took his Speech into conſideration: And,

The Duke's Speech conſider'd in the Houſe of Commons.

[*D*] ſays, 'That by this Noble Lord's Speech, the Point is now, Whether the 'Houſe will arraign the Committee of both Houſes, or go on with their Impeach-'ment.

'That this Noble Lord, when he came to the Matter, would not enter into Par-'ticulars, but paſſed it over with excuſe of wanting time.

'He makes no Excuſe as to the Facts: his Argument of a *Contrivance* was, that 'the 5000 Guineas charg'd on him, was no part of the 40000 *l*. *Firebrace* was to ac-'count for. But this is an Aggravation of the Crime; for Sir *Thomas Cooke* had a 'double Account, one with, and one without the 5000 Guineas: And this is an Indi-'cation, that if there was a Contrivance, it was not by the Committee, but with 'Sir *Thomas Cooke*, to ſtifle the Inquiry and conceal the Corruption.

'That *the ſpeedy Juſtice of the Houſe was to be wiſh'd and deſired*: That if there was 'ſuch a Contrivance, ſuch a Thred as is mention'd by that Noble Lord, 'twas not to 'be doubted, but that Houſe where he is impeach'd will clear him.

[*T*] mov'd that a Committee might be appointed to withdraw to conſider what was to be done in order to gratify that Noble Lord by *ſpeedy Juſtice*.

He obſerv'd, that his Friend's (Mr. *Bates*) tricking and contradicting himſelf, is more than the Evidence of *Firebrace*: Who was his Friend? Who was his Servant? Thoſe were Queſtions not to be ask'd. Monſieur *Robart* was a Servant of my Lord Preſident's, and is fled.——Mr. *Bates* ſaid he kept the Mony in his Houſe: What was become of it? Sometimes he had ſpent it, ſometimes it was in his Cloſet: He did own the Mony was not in his Houſe on Sunday; but on Tueſday-morning *Robart* brought it to him, but he would never declare from whom he brought it.

Mr. Bates *a Non-Juror.*

'[If an Anſwer may be given without Doors, and it will not diſoblige the Ho-'nourable Member who made this Inquiry, I'll inform him that the Duke's endear'd 'Friend Mr. *Bates*, to whom his Grace was *a Shadow* in the Matter of the 5000 'Guineas, is a *Non-Juror*, and is at preſent rated in the Pariſh of St. *Paul Covent-'Garden* at 500 *l*. (not 5000 G.) to the preſent Tax of 4 *s*. *per* Pound, and pays '12 *l*. this Year for a double Tax for the 500 *l*. It proves happy to ſome body 'that the Gold was not now to be fetch'd from St. *GERMAINS*, inſtead of 'St. *JAMES*'s.]

Sir Tho. Cooke's *Diſcovery voted not ſatisfactory.*

A Meſſage was then ſent from the Lords, to acquaint the Houſe of Commons, That it is the Opinion of their Lordſhips, that *the Diſcovery made by Sir* Thomas Cooke *is not ſatisfactory, nor ſo full as to intitle him to the Benefit of the Act made to indemnify him*; and that their Lordſhips deſire the Concurrence of the Commons. They thereupon inſtantly paſs'd a Vote as the Lords had done, and ſent it up by the Lord *Coningsby*. Then,

They

They ordered, that the Committee who withdrew to prepare the Articles againſt the Duke of *Leeds*, do make their Report on Monday.

[Note, *This Order was gain'd in the Abſence of the Members who were at the Committee, and before they had Power to ſend for Perſons and Papers: And their being ſo preſſed by Orders made in their Abſence, gave Occaſion for a Motion, that the Houſe would not proceed on Buſineſs in their Abſence, eſpecially upon what related to the Matter refer'd to them.*]

Upon Monday it was ordered, That the Committee appointed to prepare the Articles againſt the Duke, have Power to ſend for Perſons, Papers, and Records.

Act paſſed for impriſoning Sir Tho. Cook *and others.*

A Meſſage came from the Lords, that they have paſſed a Bill, intitul'd, *An Act for impriſoning Sir* Tho. Cooke, *Sir* Baſil Firebrace, Charles Bates *Eſq*; *and* James Craggs, *and reſtraining them from aliening their Eſtates:* to which they deſire the Concurrence of the Commons; and it was read.

Mr. *Comptroller* reported from the Committee appointed to draw up the Articles againſt the Duke of *Leeds*, that they had prepar'd the ſame, and directed him to report them; which he did, and they were read and agreed to, as follows.

ARTICLES *exhibited by the Knights, Citizens, and Burgeſſes in Parliament aſſembled, in the Name of themſelves, and of all the Commons of* England, *againſt* Thomas *Duke of* Leeds, *Preſident of his Majeſty's moſt honourable Privy-Council, for high Crimes and Miſdemeanors.*

Articles againſt the Duke of L.

I. 'THAT certain Merchants trading to the *Eaſt-Indies*, having either forfeited 'their Charter, or being under an Apprehenſion that they had forfeited the 'ſame; and having made their humble Applications to their Majeſties in Council 'for obtaining a Charter of Confirmation, the ſaid Duke of *Leeds* being then Pre'ſident of their Majeſties moſt honourable Privy-Council, and ſworn to give their 'Majeſties true and faithful Advice, did contrary to his Oath, Office and Duty to 'their Majeſties, and in breach of the great Truſt repos'd in him, by himſelf, his A'gents, or Servants, corruptly and illegally treat, contract, and agree with the ſaid 'Merchants, or their Agents, for five thouſand 580 Guineas, to procure the ſaid Char'ter of Confirmation, and alſo a Charter of Regulations, or to uſe his Endeavours to 'obtain the ſame.

II. 'That in purſuance of ſuch corrupt Contract and Agreement, the ſaid Duke 'of *Leeds* did by himſelf, his Agents or Servants, receive or accept from the ſaid 'Merchants, or their Agents, certain Notes or Securities, whereby he or they were 'impowred to receive the ſaid 5500 Guineas upon the paſſing the ſaid Char'ters.

III. 'That ſoon after the paſſing of the ſaid Charter of Confirmation, the Sum of '2500 Guineas, part of the ſaid 5500 Guineas; and ſoon after the paſſing of the 'ſaid Charter of Regulations, the farther Sum of 3000 Guineas, other part of the 'ſaid 5500 Guineas, were, purſuant to the ſaid corrupt Contract and Agreement, 'actually receiv'd by the ſaid Duke of *Leeds*, or by his Agents or Servants with his 'Privity and Conſent. And the ſaid Knights, Citizens and Burgeſſes, by Proteſta'tion, ſaving to themſelves the Liberty of exhibiting at any time hereafter, any 'other Accuſation or Impeachment againſt the ſaid *Thomas* Duke of *Leeds*, and 'alſo of replying to the Anſwer that the ſaid Duke of *Leeds* ſhall make unto the 'ſaid Articles, or any of them, or of offering Proof of the Premiſes, or any other 'Impeachments or Accuſations that ſhall be exhibited by them, as the Caſe ſhall '(according to the Courſe of Parliaments) require, do pray that the ſaid *Thomas* 'Duke of *Leeds* be put to anſwer the ſaid Crimes and Miſdemeanors, and receive 'ſuch Puniſhment as the ſame ſhall deſerve: And that ſuch Proceedings, Examina'tions, Trials and Judgments, may be upon every of them had and us'd, as is a'greeable to Law and Juſtice.

Theſe Articles were ordered to be engroſſed; which being done, Mr. Comptroller was ordered to carry them to the Lords, which he accordingly did.

In

In the House of Lords.

Saturday, *April* 27.

About the same time that Mr. Comptroller made the Report to the Commons, from the Committee of both Houses, the Lord Privy-Seal made the same Report to the Lords; and after the reading thereof the Duke of *L* — expressed himself in this manner, *viz.*

The Duke of L. Speech in the H. of Lords about the Transaction with Mr. Bates.

'That as he had formerly protested himself to be free in this Matter; so he still 'deny'd, *upon his Faith and Honour*, that he was guilty of any such Corruptions as 'were suggested against him, and that if the whole Truth were laid open, it would 'tend to his Honour and Advantage.

'That he would be very free in telling their Lordships now before-hand, all 'that passed, in which he was any ways concern'd. And thereupon declar'd, that Mr. '*Bates* introduc'd Sir *Basil Firebrace* to him, and that he had Conferences with Sir '*Basil* upon the Subject of the *East-India* Company, which *Firebrace* was concern'd 'for.

'That some time after, Mr. *Bates* came and inform'd him that he was to have a 'Sum of Mony of Sir *Basil Firebrace*; and desir'd his Lordship to lend him one of 'his Servants (Mr. *Bates* keeping but a Foot-man) to receive the Mony, and so he 'lent him Monsieur *Robart*.

'That his Lordship knew nothing of the Sum; but afterwards Mr. *Bates* came 'to him, and told him he had receiv'd 5000 Guineas which he offer'd to him, tel-'ling his Lordship that he had been very obliging and kind to him, and that in Ac-'knowledgment of the many Favours he had receiv'd from his Lordship's Hands, 'he humbly desir'd him to accept of them: Which he refusing, Mr. *Bates* press'd 'him earnestly to take one half or a quarter; which he still refus'd, declaring he 'would not touch a Penny of them; and told him, since he had taken them he 'thought there was no need of returning them, they were his own, and wish'd 'him good Luck with them. As I remember (said his Lordship) I did once to 'Mr. *Harry Savile*, for whom I had a great Respect; which reminds me of a Story 'I must needs tell your Lordships upon this occasion. He then related the Story: 'That when he was Treasurer, the Excise being to be farm'd, for which many put 'in, the Bidders for it (who were to give in their Proposals seal'd up) having ap-'ply'd to Mr. *Savile* for his Interest at Court, he came to his Lordship and desir'd 'that he would tell the Gentlemen that put in (who were several) that Mr. *Savile* 'had spoke for them: What, said I (*proceeded the Duke*) would you have me tell all 'of them so, when but one is to have it? No matter for that, said Mr. *Savile*, for 'whoever has it will think I have done him this Service; and I am sure of a good 'Present, without more ado: So (my Lords) when the Men came, I told them 'one after another, Sir, you are very much oblig'd to Mr. *Savile*, Sir Mr. *Savile* has 'been very much your Friend. A little after, when the thing was settl'd, Mr. '*Savile* came and thank'd me for what I had done; and told me he had got his Pre-'sent that he had expected: which I told him I was glad of, and wish'd him good 'Luck with it, as I now did to Mr. *Bates*. And thus I was then a Shadow to Mr. '*Savile*, as I was now to Mr. *Bates*.

About the time the Duke ended this Speech, private Notice came to the House of Lords, that the Commons were proceeding to an Impeachment against him; whereupon the Duke left the House in great haste, and going to the Door of the House of Commons, was admitted, and there made the Speech, as before related, *Page* 502.

Monday, *April* 29.

The Duke of L. Speech about Sir B. F. *and Mr.* Bates.

The Articles of Impeachment being brought up to the Lords, and read, the Duke of *Leeds* repeating several things to the same effect as formerly, said, 'That 'Mr. *Bates* desir'd that he would allow him to bring Sir *Basil Firebrace* to him; and 'that he bid Mr. *Bates* take care of Sir *Basil*, for he took him to be a very ill Man; 'but Mr. *Bates* said he knew him very well: so, after much Intreaty, his Lordship 'permitted Mr. *Bates* to bring him.

'That Mr. *Bates* and his Lordship had had a long Acquaintance and Friendship, 'and what he did in this Matter was only to befriend him.

His Lordſhip added, 'That this Storm which was now fallen upon him, was ſome-
'time a gathering; and it was promoted by a Faction, and a Party who had only a
'Pique againſt him; and *the King's Buſineſs had been delay'd on purpoſe.*

'That he had an Original Letter which gave him an Account of this ſome time
'before it broke out; and it appear'd only level'd againſt him, becauſe none elſe
'were proſecuted; and there appear'd a Joy they could catch at this, for then they
'ſtop'd; and Sir *Baſil Firebrace* was treated with to diſcover only this part, and ſo
'he ſhould be excus'd from any further Diſcovery.

His Lordſhip concluded, praying a Copy of the Articles of his Impeachment, and of the Report made by the Committee to the Houſe; which was readily granted.

In the Houſe of Commons.

Upon Tueſday the 30*th* of *April*, the Houſe read a ſecond time the ingroſſed Bill from the Lords, for *impriſoning Sir* Thomas Cooke, *Sir* Baſil Firebrace, Bates *and* Craggs; and committed it to a Committee of the whole Houſe.

The Lords ſent a Meſſage to acquaint the Houſe of Commons, that the Duke of *Leeds* having this Day put in his Anſwer to the Articles of Impeachment exhibited againſt him, their Lordſhips have ſent a Copy thereof to them.

The Anſwer was receiv'd and read, and is as follows:

The ANSWER of the Duke of Leeds *to the Articles of Impeachment exhibited againſt him by the Knights, Citizens, and Burgeſſes in Parliament aſſembled.*

The Duke of L. Anſwer to the Articles of Impeachment, and Proteſtation of his Innocency.

'THIS Defendant ſaving to himſelf all Advantages of Exceptions to the ſaid Articles, humbly ſaith, That he is not guilty of all or any the Matters by the ſaid Articles charg'd in Manner and Form, as the ſame are by the ſaid Articles charg'd againſt him.

Upon the Duke's putting in the Anſwer, he again declar'd *before God, and upon his Honour and Conſcience*, that he was not guilty, and had great Wrong done him in this Accuſation.

The Houſe of Commons order'd, that the Committee who were appointed to prepare the Articles againſt the Duke, do conſider of, and prepare a Replication to his Anſwer.

Upon the 1*ſt* of *May* the Houſe of Commons order'd their Committee, who were appointed to draw up the Articles againſt the Duke, to conſider what is the proper Method to compel Witneſſes to come in, and give their Evidence upon Trials of Impeachments.

Then the Commons read a third time, and paſſed the ingroſſed Bill from the Lords, *for impriſoning Sir* Tho. Cook, *Sir* Baſil Firebrace, Charles Bates *Eſq*; *and* James Craggs, *and reſtraining them from aliening their Eſtates*; ſent it up to the Lords by Sir *Herbert Crofts*, who was order'd to acquaint their Lordſhips, that they had agreed thereto with ſome Amendments.

The Lords then ſent a Meſſage to the Commons to acquaint them that they think themſelves oblig'd in Juſtice to put the Houſe in mind of the Impeachment againſt the Duke of *Leeds*, to which the Duke's Anſwer having been tranſmitted to them, the Lords deſire to be acquainted when they can be ready to make good the Articles of Impeachment, to the end a certain Day may be appointed by the Lords for that purpoſe.

Thereupon the Houſe of Commons order'd that the Anſwer of the Duke of *Leeds* be refer'd to the Conſideration of the Committee, and that they do conſider what is to be done thereupon according to the Courſe of Parliaments, and that they do conſider of the Meſſage from the Lords.

The Duke of L. preſſes for a Trial.

'The Duke upon the 2*d* of *May*, complain'd in the Houſe of Lords of the delay
'of the Houſe of Commons in not replying to his Anſwer, alledging, that *the*
'*Impeachment was only to load him with Diſgrace, and that they never intended to try him.*
'And added,
'That the Party us'd great Partiality towards him, and *did not intend to inquire*
'*after others:* That they ſhew'd a Mark of their Partiality and Spleen, in their
'Amendment to the Bill for Impriſoning Sir *Tho. Cooke*, Sir *Baſil Firebrace* and the
'others,

'others; Sir *Baſil* was to be bailed, becauſe he was the Witneſs againſt his Lord-'ſhip.

[*Quære*, 1. Whether they were not the Duke's Friends and Relations in the Houſe of Commons, that were for the Amendments to the Lords Bill, and divided that Houſe for inſiſting upon that Amendment, when the Lords return'd the Bill, with their Diſagreement thereunto?

2. Whether the Duke's preſſing for ſpeedy Juſtice, and the Votes occaſion'd thereby, did not take away all poſſibility of proceeding upon other Matters and Perſons contain'd in the Report?]

Upon the 2*d* of *May*, the Commons reſolv'd, 'That the Offer of any Mony, or 'other Advantage to any Member of Parliament, for the promoting of any Matter 'whatſoever, depending or to be tranſacted in Parliament, is a high Crime and 'Miſdemeanour, and tends to the Subverſion of the *Engliſh* Conſtitution. *Bribery voted againſt in the Houſe of Commons.*

Mr. Comptroller the ſame day reported from the Committee of the Houſe of Commons; 'That it is their Opinion, that the proper Method to compel Wit-'neſſes to come in and give their Evidence upon Impeachments, is in the firſt place 'to iſſue out Summons from the Houſe to ſuch Witneſſes for their Attendance: 'And that it appear'd to them, that Monſieur *Robart*, who is a material Witneſs 'for making good the Articles againſt the D. of *Leeds*, had been ſummon'd to at-'tend the Committee, but could not be found; and it not being yet known where 'he is, they are of opinion not to make any farther progreſs in the matter to them 'refer'd, till they have the farther Direction of the Houſe.

Which Reſolution was agreed unto by the Houſe, and an Order made, that Monſieur *Robart* do attend the Houſe forthwith, to be examin'd touching the matter relating to the D. of *Leeds*; and that he be ſummon'd by the Serjeant at Arms. *Mr.* Robart *order'd to attend the Houſe, but is fled.*

Upon Friday *May* 3. A Motion being made in the Houſe of Lords, to read the Bill for granting to the King *a Duty upon Glaſs*, &c. the Duke roſe up and told the Lords, 'That it griev'd him, that he, who was as much as any Man for the diſ-'patch of the *Mony Bills*, and never oppos'd any, ſhould now do it; but he hop'd 'the Lords would conſider his Caſe, not only as his, but the Caſe of any of their 'Lordſhips; for it was in the Power of a *Tinker* to accuſe at the end of a Seſſion, 'and one might lie under it without Remedy: And ſince that They, by Miſmanage-'ment, had delay'd this Mony-Bill for ſix Weeks, it would not be of mighty ill 'Conſequence if it ſhould lie a day or two longer. *D. of* L. *moves the Lords for ſpeedy Juſtice, or to be diſcharg'd.*

'His Lordſhip preſs'd very earneſtly, that if the Houſe of Commons did not re-'ply, the Impeachment might be diſcharg'd; for if it were not, he might lie 'under the Reproach of it all his Life. He believ'd the Commons would 'do nothing in it, for tho they had appointed a Committee to meet, they met 'but once, and that for Form, and never met more, nor would do any thing 'in it.

The ſame Friday *May* 3. in the Houſe of Commons, the Speaker acquainted the Houſe, that the Serjeant at Arms had inform'd him, that his Meſſenger had been at the D. of *Leeds*'s, and ſpoke to his Porter, and enquir'd for Monſieur *Robart*, to ſummon him to attend the Houſe; and that the Porter ſaid he was not within, nor could he tell when he would, for he had not ſeen him in three days paſt, and believ'd he was in the Country, but could not tell where; and that the Meſſenger had left a Copy of the Order with the Porter, and told him he muſt be ſure to give it to Monſieur *Robart* as ſoon as he could.

Whereupon the Houſe of Commons reſolved that Mr. Chancellor of the *Exchequer* ſhould go and deſire a Conference with the Lords, to which they agreed, and at the Conference the Managers for the Commons deliver'd this Paper. *A Conference with the Lords.*

'That the Commons will make good the Charge againſt the D. of *Leeds*, in 'manner and form as in the Articles mention'd, and that the Committee who are ap-'pointed to draw the ſaid Articles, have been daily imploy'd in looking into Evidence 'againſt the Duke; and that in the preparation of the Evidence they meet with an 'Obſtruction, that Monſieur *Robart*, who appear'd by the Depoſitions before the 'Committee of both Houſes to be a material Witneſs, is withdrawn ſince the Im-'peachment was carry'd up; which has been the Reaſon the Commons have not 'yet acquainted your Lordſhips when they can be ready to make good the ſaid 'Impeachment, the Commons being deſirous that Juſtice be done without any man-'ner of delay.

Mr. Chancellor of the *Exchequer* reported, that they had acquainted the Lords with what the Houſe directed.

The Paper being brought into the Lords Houſe and read, it was moved and agreed, without any Debate, or any Oppoſition made by the Duke of L—; That an Addreſs ſhould be made to the King, to iſſue out a Proclamation for ſtopping the Ports and ſeizing Monſieur *Robart*.

Note, The Duke, in aſſiſtance to the Houſe, told them that it was requiſite to inſert the Perſon's Chriſtian Name, and ſaid his Name was *John*, his Sir-name being *Robart*.

D. of L. *his Speech in the Houſe of Lords.*

'The Duke then roſe up and blam'd the Houſe of Commons, for doing an unheard of, an unprecedented thing, to charge a Man with Crimes, and to ſay they were ready to make it good, before they had all the Evidence; and now they ſhould ſay they wanted a *material Witneſs*, and lay it upon him to produce this Witneſs; as if a Perſon were oblig'd more to produce Evidence to accuſe himſelf, than to anſwer ſuch Queſtions by which he accuſes himſelf.

'His Lordſhip then proceeded to acquaint the Houſe, that in Truth he had ſent Monſieur *Robart* to ſee his Daughter *Leinſter*, who went into the Country big with Child; and order'd him to call at *Minns* to ſee his Daughter *Plimouth*, it being in his way to his Daughter *Leinſter*'s, where the Meſſenger of the Houſe of Commons might have known he was gone if he had ask'd.

The Narrative of Robart's *Eſcape.*

'That his Lordſhip *(that there might be no Miſtake)* ſent a Meſſenger on purpoſe for *Robart*. That his Footman waked him about two of the Clock on Sunday morning (for which he was very angry) to let him know *Robart* was come, and was in the Houſe, which was as ſoon as he could poſſibly return: That his Lordſhip told the Footman he would go to ſleep, and would ſpeak with *Robart* in the morning, when he uſually call'd him; but when his Lordſhip ask'd for him in the morning, the Footman ſaid he was gone; and upon enquiry he found *Robart* did not lie nor pull off his Boots in his Chamber: That the Footman ſaid, he ask'd whether the News was true, that his Lord was Impeach'd, and Mr. *Bates* was in Priſon; which the Footman own'd to be true, and his Lordſhip believes that frighted *Robart*.

'That his Chaplain ſhew'd him a * Letter from *Robart*, with a deſire to acquaint his Lord, that he deſign'd for his own Country, *Switzerland*, through *Holland*; from whence he would write his Lord a true Account of all the Matter of the 5500 Guineas to Mr. *Bates*.

'That his Lordſhip knew by the manner of his writing, by the Temper of the Man, and by a particular Knowledg he had of him and of *the thing*, that he would not be ſeen here again in haſte. So that, my Lords (ſaid his Grace) if this Man be inſiſted upon as a *material Evidence*, and that my Trial is to be delay'd till this Perſon is forth-coming; *When am I likely to be tried?* I humbly move your Lordſhips, that you will come to ſome Reſolution, that if this Matter be not immediately proceeded upon, ſo that I may be try'd before the ending of this Seſſion, *the Impeachment ſhall fall.*

To which ſome few Lords cry'd, *Well Moved.*

However the Lords read and paſs'd the Bill that ſame day, for the Duty upon *Glaſs*, *&c.* and his Majeſty came to the Houſe and gave the Royal Aſſent to ſeveral Bills, and amongſt the reſt to *the Bill for Impriſoning Sir* Thomas Cooke, *Sir* Baſil Firebrace, Bates *and* Craggs; and alſo to a Bill intituled, *An Act for the King's moſt Gracious, General and Free Pardon*, but with this Exception amongſt others,

'Except alſo all Perſons who have been or ſhall be impeached in Parliament during this preſent Seſſion.

And then his Majeſty commanded the Lord Keeper to prorogue the Parliament to the 18*th* of *June*, and it was prorogu'd accordingly.

It muſt be remembred that upon the 3*d* of *May*, the Houſe of Commons came to a Reſolution, that the Report from the Committee of both Houſes ſhould be then read; and it being read, the Houſe were proceeding to charge other Perſons there-

* Note, *The Duke had this Letter upon Wedneſday, but took no notice of* Robart's *being gone, or in his Power to be a Witneſs either againſt or for him, until this Friday* May 3. *after the Conference was had between the two Houſes to let the Lords know* Robart *was gone.*

in

nam'd, and in particular Sir *John Trevor*, againſt whom an Impeachment was mov'd; and thereupon a Motion being made, That a Queſtion for adjournment for two Hours ſhould be put, it was carried in the Negative by a conſiderable Majority: So that the Houſe proceeding afterwards to the Impeachment laſt mention'd, they were ſent for by the Black Rod and prorogued.

An Abſtract of the Act for impriſoning Sir Thomas Cooke, *Sir* Baſil Firebrace, *Mr.* Bates, *and Mr.* Craggs.

'THE Preamble ſets forth, That by ſeveral Informations and Examinations taken before Committees of both Houſes, it appears that there have been diverſ Practices to procure by corrupt Means a Charter and an Act of Parliament relating to the *Eaſt-India* Company; and Sir *T. C.* Sir *B. F. C. B.* and *J. C.* have been privy to the ſame: and having not upon their Examination hitherto made a full or ſatisfactory Diſcovery concerning the Premiſes;

'To the end that their Perſons and Eſtates may be ſecur'd ſo as to anſwer and be liable to Juſtice in Parliament;

'It is enacted, That the ſaid Sir *T. C.* Sir *B. F. C. B.* and *J. C.* ſhall be and are committed to the *Tower*, there to remain in Cuſtody without Bail or Main-prize, until the End of the next Seſſion of Parliament, unleſs they ſhall ſooner be diſcharged by his Majeſty by Conſent of the two Houſes.

'And it is enacted, That after the firſt of *May* 1695. they ſhall be diſabled from aliening, ſettling, charging or incumbring any of their Lands otherwiſe than by their laſt Wills; and alſo be diſabled from conveying or granting any of their Perſonal Eſtate in truſt for themſelves, their Wives or Children; and from otherwiſe diſpoſing of any of their Perſonal Eſtates, except for the Subſiſtence of themſelves and their Families, or for paying juſt Debts due or contracted before the 23*d* of *April* 1695. and except periſhable Goods.

'Provided that the Act ſhall not extend to diſable them from diſpoſing of any of their Eſtates by their laſt Wills.

'Provided that Sir *B. F.* may give with his Daughter in Marriage ſuch Portion and Proviſion as he hath already agreed to give, not exceeding twenty thouſand Pounds.

A Proclamation was order'd for ſecuring Monſieur *Robart*; it bears Date the 9*th* of *May*, and ſets forth,

Proclamation againſt Robart.

'THAT whereas by Examinations and Informations upon Oath, before a Committee of both Houſes of Parliament, touching the unlawful and indirect giving, receiving, and diſpoſing of great Sums of Mony, for procuring Charters for the *Eaſt-India* Company, *&c.* it appear'd that Monſieur *John Robart* was not only concern'd in the Receit, but was alſo able to give Evidence, and make Proof of the Diſpoſal and Application of part of the ſaid Mony: Yet to avoid Juſtice, and the Manifeſtation of the Truth, and to render all juſt and proper Methods of Proſecution ineffectual, he hath withdrawn himſelf and abſconds, intending, as ſuppos'd, to eſcape beyond the Seas; and ſetting forth, that the Lords did addreſs his Majeſty to iſſue a Proclamation for ſecuring the ſaid *Robart*.

'The King requires and commands all his loving Subjects to diſcover and apprehend him, and carry him before ſome Juſtice, *&c.* who are requir'd to ſecure him, and give notice to the Privy-Council or Secretaries, to the end he may be forth-coming, to be dealt with according to Law. And the King requires all Officers of the Ports, *&c.* to be careful in the examination of all Perſons that ſhall paſs, or endeavour to paſs the Seas. And if they diſcover him, to cauſe him to be ſecur'd, and to give notice, *&c.* And the King commands all his Subjects, at their peril, that they do not conceal but diſcover him, to the end he may be ſecur'd.

This Proclamation was order'd the 3*d*, bears Date the 9*th*, came out the 11*th*, and was proclaim'd the 15*th* of *May*.

Now, to conclude, not to be guilty of the Indecency of asking who it was that brought this Proclamation into the Council upon the 9*th* of *May*, I preſume to inquire, whether Monſieur *Robart* might not have been deliver'd from the Fright he

was

was put into by hearing the Duke was impeach'd; and Mr. *Bates* imprison'd, and been wrought upon to come in, and (for his Grace's Honour and Advantage) lay open the whole Truth. If the Duke had been pleas'd to put an Advertisement into the *Gazette*, that he would interpose with his Majesty to obtain a Pardon for him (if any way criminal) and give him 5000 Guineas to befriend him (or something to such effect) and whether such a Course would not have been of more Avail for securing *Robart*'s forthcoming, and the manifestation of the Truth, and his Lord's Vindication, than this Proclamation hath hitherto been.

Josh. 7. 13. *Thus saith the Lord God of* Israel, *There is an* accursed thing *in the midst of thee, O* Israel: *Thou canst not stand before thine Enemies until ye take away the* accursed thing *from among you.*

A Supplement *to the Collection of the Debates and Proceedings in Parliament in* 1694 *and* 1695.

Upon the Inquiry into the late Briberies and corrupt Practices.

THE Matter of Fact, as stated in the late *Collection* of the *Debates* and *Proceedings* in Parliament, having found a favourable Reception; and some weighty and memorable Observations, contributing to the farther illustration of the corrupt Practices there related, having since occur'd; 'Tis hop'd that the subjoining this ensuing Narrative thereof, may not be thought impertinent; in confidence whereof it is here presented to the Reader's view. And

To answer the Expectation of divers Adventurers in the *East-India* Stock, Merchants, and other considerable Traders with that Company, who desire a more particular Account of the Company's Affairs than has been yet made publick, they will here find it.

Order of the General Court for inspecting the Affairs of the Traders.

On the 14*th* of *November* 1694. the General Court of the Adventurers for the General Joint-Stock to the *East-Indies*, appointed a Committee to inspect into the Affairs of the General Joint-Stock, under the management of the Court of Committees, and of the several Transactions that have been had therein, for the Satisfaction of the Adventurers. And upon the 20*th* of *December* 1694. they impowred the same Committee to meet, and consider further of the Matters to them refer'd, by the Order of the 14*th* of *November*.

Whose Names are,

Mr. *Nathaniel Tench*,
Sir *Jeremiah Sambrook*,
Sir *Benjamin Bathurst*,
Mr. *William Fawkener*,
Mr. *John Ward*,
Mr. *Edward Rudge*,
Mr. *Robert Marshal*,
Mr. *George Boun*,
And
Mr. *Isaac Houblon*.

This Committee, pursuant to the Order inpowering them thereunto, made the Inspection as directed; and upon the 12*th* of *March* 1694. reported the same in the words following, *Viz.*

I. Upon

I. Upon examination of the Company's Caſh-Book, we find that the Ballance the 31*ſt* of *October* 1694. was 124249 *l.* 15 *s.* 10 *d.* And demanding of Mr. *Portmans* the Caſhire, if he had the ſame in Caſh? he reply'd he had not; but inſtead thereof, laid before us in writing on the 22*d* of *November* 1694. the following Particulars, *viz.* *The Report of the Committee of Inſpectors.*

90000 *l.*	——	Lent upon Sir *Tho. Cooke*'s Note.
28634 *l.*	——	By Notes or Receits given by Mr. *Atwell* and Company.
4065 *l.*	——	By Notes from ſeveral Perſons taken by Sir *Tho. Cooke*'s Order.
1550 *l.* 15 *s.* 10 *d.*		By ſeveral ſmall Sums.
Making 124249 *l.* 15 *s.* 10 *d.*		Which makes the above-ſaid Ballance.

And upon farther, and more particular Examination why that 90000 *l.* was ſtanding out, Mr. *Portmans* produces the then Governor, Sir *Tho. Cooke*'s Note, in theſe words:

Receiv'd the 10th *of* January 169¾. *of Mr.* Edmund Portmans, *for Account of the* Eaſt-India *Company*, 90000 l. *which I have diſburſt and paid for* 99197 l. Eaſt-India *Stock for their Account; which I promiſe to be accountable for Account of the* Eaſt-India *Company, and was by Order of Court the* 24th *of* November 1693.

Per *Tho. Cooke.*

That Order of Court is in the Words following, *viz.*

'It is order'd, That the Caſhire-General do from time to time make paiment 'of ſuch Sums of Mony for carrying on of the Company's Service, as the Gover-'nour ſhall direct, purſuant to the Senſe of the preſent Debate.

But we find no Entries, or mention in the Court's Books, or elſewhere, what that Debate was; and how far the ſaid Order tends to the buying of Stock, we ſubmit to the Judgment of this Court.

And whereas it is alledg'd by Sir *Tho. Cooke*, that for the 90000 *l.* aforeſaid, there was an Agreement made with ſeveral Subſcribers for 99197 *l.* Stock, on or before the 10*th* of *January* 169¾. yet we do not find to this hour any Warrant for the ſaid Sum, or any of that Stock transferred in the Company's Books for their Account, excepting 8300 *l.* Stock on the 16*th* of *January* laſt; for which the Company have paid 10200 *l.* which is charg'd to his Account. And we are further inform'd, that 24000 *l.* of the ſaid Stock was re-ſold at 74 *l. per cent.* And we do likewiſe find, that there is an Order of the Court of Committees, dated the 9*th* of *November* laſt, made upon a Report from the Committee of the Treaſury; ſo much of which Report and Order as relates to the ſaid Stock, follows in theſe words:

'On reading a Report from the Committee of the Treaſury touching the Ac-'counts of the Deputy-Governor, refer'd to them by Order of Court of the 26*th* 'of *October* laſt;

'We find, that admitting the 99000 *l.* Stock, as the Court ſeem'd to approve, 'to be for the Company's Account in the Sum of 90000 *l.* there will be due from 'the Company to Sir *Thomas Cooke* about 73000 *l.* to compleat the Monies diſburſt 'for the Inveſtment at *Cadiz*; and according to the determination of the laſt Court, 'we went to Sir *Joſiah Child*, who declar'd that he never heard of the Sale of the '24000 *l.* Stock until about the time it was mention'd to the Court; but as to his 'own Concern, he is willing to ſubmit to the Loſs in that Sale, conſidering the ne-'ceſſity alledg'd by Sir *Thomas Cooke* for want of Mony.

'As to the Remainder of that Stock, being 75000 *l.* Stock, Sir *Thomas Cooke* 'declares it is engag'd to ſeveral Perſons for Monies taken up to ſupply the Diſ-'burſement above-mention'd; which when the ſame is paid to him, he will be an-'ſwerable for the ſaid Stock.

'The

'The Court approv'd of the Disburſements made by the Deputy-Governor, and 'of the 24000 *l.* Stock by him ſold, for the Reaſons therein mention'd.

Which Approbation being ſo many Months *poſt factum*, the Conſideration thereof we likewiſe ſubmit to this Court.

II. We find that the Sum of 30000 *l.* is brought into the Company's Caſh-Book the 31*ſt* of *March* 1694. after the Caſh-Book was caſt up, in theſe words:

'By Sir *Thomas Cooke* paid him on his Note, according to an Order of Court of 'the 24*th* of *November* laſt.

The Receit whereof, without a Warrant, is acknowledg'd by the ſaid Sir *Thomas Cooke*, and remains in Mr. *Portmans*'s Hands, in the words following:

Received the 31ſt *of* March 1694. *of Mr.* Edmund Portmans, *for the Account of the Honourable* Eaſt-India *Company, the Sum of.* 30000 l. *which I promiſe to be accountable for, with Intereſt for the ſame, being for ſeveral Sums advanc'd to ſeveral Perſons. Witneſs my Hand the Day and Year above written.*

Per *Thomas Cooke.*

Journals alter'd.

Notwithſtanding which, we find the ſaid Sum of 30000 *l.* carried to the Company's Debt in Charges General, and the Journal parcel of that Entry eras'd: By which it plainly appears to us, that the ſaid Journal, parcel of that Date, was alter'd, and this Sum of 30000 *l.* introduc'd ſome time after. Beſides, we find the Account of Charges General ſtands ballanced and carried to Profit and Loſs with this 30000 *l.* included. But Mr. *Thorowgood* the Book-keeper, did declare upon Oath the 21*ſt* of *February* 1694. that the paſſing of this 30000 *l.* was an Error of his; and coming to lay the Account of Charges General before Sir *Thomas Cooke* in *November* laſt, the Error was diſcover'd by Sir *Thomas*, who gave him Orders to withdraw it from thence, and to place it to his own Account, which is now done: but the ſaid Proceeding between Sir *Thomas Cooke* and Mr. *Thorowgood*, was not made known to us till we diſcover'd the ſame in the Book.

Mr. Thorowgood's *Examination.*

We further obſerve, that the ſaid Sum of 30000 *l.* is taken out of the Company's Caſh without a Warrant, under pretence of the fore-mention'd Order of the 24*th* of *November* 1693. which we ſubmit to the Conſideration of this Court.

III. We further find the Sum of 9000 *l.* Stock, declar'd to be bought for the Company by Sir *Baſil Firebrace*, which coſt 8520 *l.* as by the following Particulars.

Decemb. 5.	Of *Alvaro de Coſta*,	1000 *l.* at 95	*l. per cent.*
1693.	Of *Benjamin Levi*,	1000 *l.* at 95	
	Of *Richard Cock*,	1000 *l.* at 95	
Ditto 6.	Of *Samuel Ongley*,	1000 *l.* at 95	
	Of Sir *R. Ainſworth*,	2000 *l.* at 95	
22.	Of *ditto* Sir *Rowland*,	1000 *l.* at 96	
January 4.	Of Capt. *W. Heath*,	1000 *l.* at 96	
Apr. 3. 94.	Of *George Jarvis*,	500 *l.* at 90	
6.	Of *Peter Monger*,	500 *l.* at 90	
	l. 9000 amounts to	*l.* 8520	

Contracts made without acquainting the Committee with them.

As alſo a Sum of 7828 *l.* 13 *s.* 1 *d.* including Intereſt and Charges thereon for Guineas given out to have the refuſal of Stock at high Rates, and tranſacted without any Order from the Court of Committees for the ſame, to the great Damage and Diſhonour of the Company. And in the Examination of the ſaid Matter, we do find that the Contracts upon the Guineas given out, as aforeſaid, were made in the Names of private Perſons, not Members of the Company; and that in thoſe Contracts no ſuch Proviſion was made as might entitle the Company to the Benefit, had any ariſen by the ſame; but on the contrary, the ſaid Contracts were never made known to the Court of Committees, until ſome Months after the Expiration of the Time, ſo that if there had ariſen any Profit upon them, they might then have been apply'd to his proper Account who had the negotiating of them: In conſideration whereof it appear'd to us, that thoſe Contracts did no way concern or oblige the Company. And underſtanding that the Committee of the Treaſury had made a Report of the 9*th* of *November*, diſallowing the ſame, the Clauſe whereof follows in theſe words, *viz.*

'As

'As to the Disburſements pretended to by Sir *Baſil Firebrace*, for Guineas given 'out to have the Refuſal of Stock at a certain time, and the Monies paid for Stock 'bought, Sir *Joſiah Child* doth declare he never was privy to any ſuch Negotiation 'till very lately; nor doth he, nor our ſelves find any ground for ſuch an Authority 'given to him by the Court, whereby to lay the Loſs upon the Company's Stock, 'and therefore we can give no other Report thereupon, but refer it back to the 'Court.

And alſo being inform'd that the Mony was not actually paid the 19*th* of *November*, we did, as we apprehended it our Duties to do, in behalf of the General Joint-ſtock, uſe our Endeavours as much as in us lay to prevent the Paiment of the ſaid Mony, by giving the following Intimation in Writing to the Company's Officers, which was produc'd to the Court of Committees, *viz.*

Order of the Committee of Suſpectors.

'In purſuance of an Order of the General Court of Adventurers, for the Gene-'ral Joint-ſtock to the *Eaſt-Indies*, dated the 14*th* of *November* 1694. empowering 'us to inſpect into the Affairs of the General Joint-ſtock, under the Management of 'the Court of Committees, and of the ſeveral Tranſactions that have been had 'therein for the Satisfaction of the Adventurers; and whereas upon the Conſidera-'tion had of the ſame, Information hath been given us, that there is the Sum of '16348 *l.* 13 *s.* 1 *d.* demanded by Sir *Baſil Firebrace* for Guineas given out upon Con-'tracts for Stock, and for Stock bought, and an Order of the Court of Com-'mittees for Paiment of the ſame; which Disburſement is in our Opinion irregular, 'being done without Order, and the Order for Payment thereof is alſo irregular, 'being *poſt factum*: We therefore, agreeing unanimouſly that it ought not to be 'allow'd without the Approbation firſt had of a General Court, have thought fit-'ting in behalf of the ſaid Court, to ſignify unto the Accomptant General, that 'he ſhall not make out any Warrant for, and unto the Committee of the Treaſury 'and the Caſhire-General, that they ſhall not pay the ſaid Sum of 16348 *l.* 13 *s.* 1 *d.* 'or any part thereof, or affix the Company's Seal to any Bill or Bills for that pur-'poſe, till the Pleaſure of the ſaid General Court be firſt known. Given under our 'Hands this 19*th* of *November*, 1694.

Nath. Tench.	*Edward Rudge.*
Jeremy Sambrook.	*Robert Marſhall.*
Ben. Batburſt.	*George Boun.*
W. Fawkener.	*Iſaac Houblon.*
John Ward.	

Contracts poſt factum approv'd of.

Notwithſtanding which Report of the Committee of the Treaſury and Intimation aforeſaid, yet the Court of Committees were pleas'd to approve of the ſaid Contracts *poſt factum*, by an Order of theirs of the 9*th* of *November* laſt, in the Words following.

Demands made by Sir B. Firebr.

And as to the Demands of Sir *Baſil Firebrace*, amounting to 16866 *l.* 9 *s.* 8 *d.* the Particulars whereof are undermention'd.

Sir *Tho. Cooke* is Debtor to Sir *Baſil Firebrace*,
For Account of the *Eaſt-India* Company,
1693. For *Præmio* of Refuſal of Stock at 6 Months, *viz.*
Of 32000 *l.* by *Abraham Wilmer.*
Of 29750 *l.* by *John Barkſdale.*
Of 1800 *l.* by *Jacob Marſam.*
Of 7500 *l.* by *Joſiah Davis.*

71050 *l.*

	l.	*s.*	*d.*
As by the ſeveral Particulars amounting to	7110	14	00
For 9000 *l.* Stock bought of divers Perſons, as *per* particular,	8520		
17 *Septemb.* 1694. For Intereſt to this Day of the aboveſaid Paiments, as *per* particular,	517	16	07
For Brokeage of 80050 *l.* at $\frac{1}{4}$ *per cent.*	200	02	06
	16348	13	01
Gratuity	517	16	07
	16866	09	08

Paiments made to Sir Basil Firebrace.

The ſame being now taken into ſerious Debate, and Sir *Baſil Firebrace* affirming, that the whole Tranſactions of that Affair, and the Perſons managing the ſame, were by particular Order of Sir *Thomas Cooke*, the then Governour, wherewith he was frequently made acquainted, and that Sir *Baſil* had no particular Intereſt in, or Advantage thereby; and the Governour declaring that he was made acquainted therewith ſix Months ago, and importun'd by Sir *Baſil Firebrace*, that the ſaid Account might be adjuſted by the Deputy-Governour: on conſideration thereof had, the Court thought fit to allow of the ſaid Account, excepting the 517 *l.* 16 *s.* 7 *d.* therein demanded for a Gratuity, and order'd that a Warrant be made out for the ſame, Sir *Baſil* firſt transferring the 9000 *l.* unto the Secretary for the Company's Uſe.

And alſo were pleaſed to ſign Warrants for paiment of the ſaid Mony, which accordingly was done, *viz.* 7828 *l.* 13 *s.* 1 *d.* the 7*th* of *December*, and 8520 *l.* the 4*th* of *January*, making in all 16348 *l.* 13 *s.* 1 *d.* which we likewiſe ſubmit to the Conſideration of this Court.

IV. We farther find ſeveral Contracts are ſaid to be made by Sir *Tho. Cooke*, Sir *B. Firebrace*, and Sir *Joſ. Herne*, for Stock of the Value of 67385 *l.* 19 *s.* 6 *d.* *viz.* 34342 *l.* 9 *s.* 6 *d.* by Sir *Thomas Cooke*, and 28043 *l.* 10 *s.* by Sir *Baſil*, and 5000 *l.* by Sir *Joſeph Herne* for the Company's Account, to be put upon them at 100 *l. per cent.* at any time before the 10*th* of *January* laſt; the which Stock now ſtands transferred in the Company's Books to Mr. Secretary *Blackbourn* for their Account, by which they are like to be great Loſers; yet we find the ſame to be allow'd of by an Order of Court of the 26*th* of *October* laſt, in theſe words, *viz.*

Sir B. Firebrace *indemnify'd as to the Contracts.*

'The Deputy-Governor repreſenting to the Court, that himſelf and Sir *Baſil* 'Firebrace had for the encouragement of the late Subſcriptions, entred into Bonds 'to ſeveral Perſons for accepting of Stock, to the Value of 65267 *l.* 10 *s.* in *De*'cember and *January* next, at 100 *l. per cent.* if demanded of them, *viz.* 37222 *l.* 'thereof by the Deputy-Governor, and 28043 *l.* 10 *s.* by Sir *Baſil Firebrace*, the 'Whole having been ſubſcrib'd and paid in, and no part thereof on either of their 'Accounts; and deſiring they might be indemnify'd for what Loſs ſhould accrue 'thereon, if any: the Court declar'd they ſhould be indemnify'd accordingly un'der the Company's Seal if requir'd.

The Committee of Inſpectors complain of Papers being ſuppreſt.

And altho the ſaid Contracts, as we are inform'd, were given up at the ſealing of the Bonds for the Mony; yet when we demanded a view of them, to ſee what Conſideration and other Terms of Agreement they contain'd, we found them ſuppreſs'd (excepting only thoſe made by Sir *Thomas Cooke*) and as Mr. *Portmans* ſays, were deliver'd into the hands of Sir *Baſil Firebrace*, notwithſtanding the Order of the Court of the 4*th* of *January* laſt, which refers it to the Committee of the Treaſury to direct the taking up the Engagements of the Deputy-Governor and Sir *Baſil Firebrace*: So that we are depriv'd of giving this Court ſuch an Account of this Article as is neceſſary. Only this we know, that Conſideration was allow'd for ſome of them, and not accounted for to the Company; which we likewiſe ſubmit to the Conſideration of this Court.

V. We find upon the Company's Account of Charges general, paid out of Caſh, *viz.*

	l.	*s.*	*d.*	
In *June* 1688. ——	1079	12	2	Sir *Benj. Bathurſt* Governor, Sir *Joſiah Child* Deputy.
January —— ——	205	01	4	
December 1689. ——	400	00	0	
January —— ——	546	00	6	
Together	2230	14	0	

	l.	*s.*	*d.*	
Auguſt 1690.	314	08	8	Sir *Joſeph Herne* Governor, Sir *Thomas Cooke* Deputy.
	369	06	8	
January	871	13	4	
February	1174	10	0	
April 1691.	595	00	8	
May	4500	00	0	
October	435	16	8	
	545	16	8	
January	1073	06	8	
March	3652	10	0	
Together	13532	09	2	

	l.	*s.*	*d.*	
April 1692.	2250	00	0	Sir *Thomas Cooke* Governor, Mr. *Tyſſen* Deputy.
	2409	15	4	
March 1693.	2000	00	0	
May	22275	00	0	
October	1091	13	4	
November	24983	00	0	
January	30000	00	0	
March	2393	09	7	
Together	87402	12	3	
Sum total	103165	15	5	

Of the diſpoſal of which Mony we have been able to obtain no farther Account, than that the ſame is made paid in the Company's Books in general Terms for Special Service; and that great part thereof was, as we are inform'd, put into the Hands of Sir *Baſil Firebrace*: But the moſt material Orders of Court that appear to us to relate to the greateſt Sums, are as followeth, *viz.* *Paiments made in general Terms.*

At a Court of Committees holden the 13th *of* April 1693.

'THE Governor this Day acquainting the Court with what Proceedings had been made in their Affairs towards granting a new Charter, and with what had been disburs'd by him in proſecution thereof; the Court approv'd of the ſaid Charges, and order'd a Warrant to be made out for the ſame; returning him their Thanks for his great Care, Pains and Trouble in their Service, deſiring him to proceed in the perfecting thereof. *Sums expended for getting a new Charter,* 22275 *l.*

The 24th *of* November 1693.

'THE Governor this day making a Repreſentation of what Sums of Mony had been by him of late disburs'd in the Management and carrying on of the Company's Affairs for their Service; the Court approv'd thereof, and order'd that a Warrant be made out for making the ſame paid in Caſh accordingly, giving him their Thanks for his great care and pains taken therein. 24983 *l.*

The 22d *of* January 1693.

'IT being repreſented unto the Court, that in the farther Proſecution of their Affairs, and in order to their Settlement, there have been ſeveral Sums of Mony disburs'd, amounting to 30000 *l.* in the whole; the Particulars thereof were now laid before them. On conſideration thereof had, it is order'd, That the ſaid Monies be made paid in Caſh, and a Warrant be made out accordingly. 30000 *l.*

VI. We do alſo think fit to lay before this Court a brief State of Sir *Thomas Cooke*'s Account, as it occurs to us, and is as followeth:

That the ſaid Sir *Thomas Cooke* was indebted to the Company before the Transfer of 18300 *l.* Stock the 16*th* of *January* laſt, and mention'd in this Report, as near as we can compute, the Sum of 69400 *l.* without any Intereſt charg'd, which we conceive will be very conſiderable.

But if the ſaid 18300 *l.* Stock, at ninety *per cent.* amounting to 16470 *l.* ſhould be allow'd by this Court (which we do refer to their ſerious Conſideration) then there will yet remain due to the Company from the ſaid Sir *Thomas Cooke* the Sum of 52930 *l.* without any Intereſt charg'd, as before. All which nevertheleſs is ſubmitted to the farther Conſideration of this Court. Dated at the *Eaſt-India* Houſe the 12*th* of *March* 1694.

Nat. Tench, *Jeremy Sambrooke*, *Benjamin Bathurſt*,
Will. Fawkener, *Edward Rudge*, *Iſaac Houblon*,
John Ward, *Rob. Marſhall*, *George Boun.*

The ſame Committee, upon the ſaid 12*th* day of *March* 1694, made a farther Report; which in regard of the extraordinary Nature of the Contract therein mention'd, may not unfitly be term'd the *Seymour* or *Salt-Petre* Report, and it was in the words following, *viz.*

The Salt-Petre Contract. We find that in the Month of *September* 1690. Sir *Joſeph Herne* being Governor, and Sir *Tho. Cooke* Deputy, there was a Contract made by Mr. *Robert Wolley* in behalf of the ſaid Governor and Deputy and others, for all the Company's Pepper which they then had by them, at 11 *d.* ¼ *per* pound for *Malabar* and *Jambee* Pepper, and 10 *d.* ¾ *per* pound for the *Billiapatam*, and for all that ſhould arrive betwixt that and the firſt day of *March* following; and that in *December* after the Contract, the Parliament did put 3 *d. per* pound as a new Duty upon all Pepper that ſhould arrive. By which Act the ſaid 3 *d. per* pound was all to be paid back again upon the Exportation; and that in *January* following the Ship *Chandois* did arrive with 117000 weight of Pepper. Upon notice whereof, in *February* following Mr. *Robert Wolley* the Broker came before the Court of Committees, and demanded the ſaid Pepper at the Price agreed on in his former Contract: who being withdrawn, the Court debated whether they ſhould be oblig'd to deliver it before they were aſſur'd they ſhould receive Satisfaction for the 3 *d. per* pound; and upon promiſe of the then Governor and Deputy, who were Parties concern'd in the Contract, that they ſhould receive Satisfaction for the ſame, the Court did agree to the Delivery of it. Which ſaid 3 *d. per* pound is not made good to the Company, and is to their damage about the Sum of 1400 *l.*

Contract for 200 Tuns of Salt-petre. We find a Contract bearing date the 26*th* of *February* 1693. for 200 Tuns of Salt-Petre, to be brought home in the Ship *Seymour* from *India*, to pay the Sum of 12000*l.* for the ſame, and 25 *l. per* Tun freight to the Owners of the Ship; beſides all Charges here, 2000 *l.* (part of the ſaid 12000 *l.*) which was the Sum ſent out to purchaſe the ſaid Salt-Petre, is actually paid out of the Company's Caſh, and a Bond for the remaining 10000 *l.* is given under their Seal, payable the 31*ſt* of *March* next, whether the Ship arrive in ſafety or not; with this Limitation only, that if 200 Tuns of Petre be not laden upon the ſaid Ship, then to repay in proportion to the want thereof. So that the Reſult of this Contract is this, the Company runs the Adventure of 12000 *l.* for that which coſts only 2000 *l.* and muſt conſequently loſe 12000 *l.* if the Ship miſcarry: And on the contrary, the Seller on the other hand gets 10000 *l.* clear, without diſburſing or running the hazard of one Penny; and what is yet more, as certain a Loſs of 9 or 10000 *l.* will attend it if the Ship arrive in ſafety. All which nevertheleſs is ſubmitted to the farther Conſideration of this Court. Dated at the *Eaſt-India* Houſe, the 12*th* of *March* 1694.

Nathaniel Tench, *John Ward*, *Edward Rudge*,
William Fawkener, *Jeremy Sambrooke*, *Rob. Marſhall.*

This Report, when given into the General Court, was alſo ſign'd by Sir *Benjamin Bathurſt* and Mr *Iſaac Houblon.*

To the Honour of the worthy and well-deſerving Gentlemen of the Committee who made the foregoing Report, Juſtice requires this Remark, that their prudent Inſpection and honeſt Diſcovery of theſe Deeds of Darkneſs did much contribute to,

if

if not occaſion the neceſſary Enquiry ſince made by both Houſes of Parliament into thoſe wicked Practices, which we will yet hope may in due time be ſet in a Meridian Light, notwithſtanding the extraordinary Arts and Tricks which have been us'd to ſtifle the Diſcovery and conceal the chief Criminals; which the former Hiſtory of this Affair has in ſome meaſure laid open, and that which here follows may farther evince.

Narration of M. Robart's Eſcape.

It hath been already obſerv'd, that Monſieur *Robart*, who appear'd by the Depoſitions before the Committee of Lords and Commons to be a material Witneſs to make good the Charge againſt the Duke of *Leeds*, was withdrawn after the Impeachment was carried up to the Houſe of Lords; and that his Grace had declar'd he knew (by the manner of the Man) that *Robart* would not be ſeen here again in haſte. Now it appear'd to the Houſe of Commons, that this *Robart* had obtain'd a Paſs to go beyond Sea; the Diſcovery thereof was thus made.

Had a Paſs to go beyond Sea.

Upon Wedneſday the firſt of *May* in the Afternoon, *Paul Foley* Eſq; Speaker of the Houſe of Commons, receiv'd a Letter at the Door of the Houſe by the Penny-Poſt, to this effect:

'One *Bernard*, in the Secretary's Office, has procur'd a Paſs for *Holland*, under a 'falſe Name, for *John Robart* the Duke of *Leeds*'s Steward, and all, *&c.*

On Thurſday Morning the Speaker communicated the ſame to the Houſe, who referred it to the Examination of the Committee appointed to make good the Charge againſt the Duke of *Leeds*. They, upon conſidering the Letter, found it was writ in *Office Paper*; whereupon Mr. *Vernon* and *Bernard* (who was mention'd in the Letter) and alſo the Books in the Secretary's Office were ſent for; and *Bernard* being examin'd, deny'd he had done any ſuch thing, or knew any thing of the Matter.

Sorſoleil, *an Under-Secretary, his Concern in the Affair.*

In ſearching the Books, and comparing the Hands, Mr. *Vernon* concluded the Letter was writ by one *Sorſoleil* a *Frenchman*, and an Under-Secretary of the ſame Office; for tho the Hand was endeavour'd to be diſguiſed, moſt of the Letters were like the ſame Hand, eſpecially the Letter *e*, which was very remarkable.

Sorſoleil was thereupon ſent for and examin'd; he (who at the time of the writing the Letter ſeem'd to have ſome ſpice of Honeſty) now denied the writing the Letter, but own'd he knew *Robart* intimately well; That they had been Servants together at the Earl of *Lindſey*'s, and were almoſt daily together, till within theſe laſt four or five days. Being ask'd when he ſaw him laſt, he gave this account.

That being with two or three of his Countrymen on Sunday laſt, and talking of the Duke of *Leeds*'s Impeachment, one of the Company told him, that *Robart* was withdrawn, or would ſoon withdraw: That the ſame day he tried to find *Robart*, becauſe he the ſaid *Sorſoleil* had borrow'd Mony of him, upon a Pawn of a far greater Value, which he was loth to loſe, but could not find him that day; but on Monday morning, as he was going from *Whitehall* to *St. James's* in the Park, he verily believes he ſaw *Robart* turn the Corner of the Wall towards *St. James's* Houſe, and haſten'd after him, but *Robart* went away ſo faſt he could not overtake him, nor hear of him at the Duke of *Leeds*'s.

Sorſoleil farther added, that he told all this to *Bernard* in talking of his being ſent for by the Committee, who diſſuaded him from mentioning it to the Committee, ſaying, he was a Fool if he mention'd any thing of this, for he would not be examin'd to it.

On Friday morning *May* 3. one of the Committee examining the Letter, found the Superſcription was writ in a different Hand from the Inſide; which obſerving, and ſhewing it to a Gentleman who had been of Mr. Secretary *Trenchard*'s Office, the Gentleman ſaid he verily believ'd it was one *Robertaw*'s writing, who was an Under-Secretary of the ſame Office, and that he could ſhew the ſame Hand in the Books, which he fetch'd, and comparing it with the Letter, it did appear ſo; and *Robertaw* was ſent for, who own'd his Hand on the Superſcription, and ſaid, that he ſaw *Sorſoleil* write the Inſide. The manner he related thus.

Robertaw's *Account of the matter.*

That on Wedneſday morning laſt, *Sorſoleil* and he being at the Ax and Gate in *King-ſtreet*, *Sorſoleil* told him, that *Bernard* had help'd *Robart* to a Paſs for *Holland*; and added, 'twas pity the Nation ſhould be thus abus'd, or ſomething to that effect. Whereupon *Robertaw* told him, that he would do well to let the Houſe of Commons know it. *Sorſoleil* reply'd, he would not expoſe himſelf to Ruin. [Had this been any other than a Foreigner, it had been leſs pardonable, it being as much as

to

to ſuppoſe we are got back into the Reign of King *Charles* the Second; and that now, as then, the Man who ſerves his Country, runs the hazard of being ruin'd.] Beſides, ſaid *Sorſoleil*, I have Obligations to the Duke of *L*——'s Family. [The more's the Pity; for his Obligations, and *Bates*'s old Friendſhip, have been hitherto ſome obſtruction to the clearing up the Point in queſtion.] And he added, that *Robertaw* might write a Letter by the Penny-Poſt to the Speaker: Which *Robertaw* refus'd, ſaying, he did not know the thing; but if *Sorſoleil* would write the Letter, he would write the Direction, which they each did, and ſent it.

Sorſoleil *denies his Hand-writing.*

Robertaw and *Sorſoleil* being confronted, *Sorſoleil* ſtill deny'd it; and *Robertaw* offer'd to make Oath of the Truth of what he ſaid. *Sorſoleil* own'd he was on Wedneſday morning alone with *Robertaw*, at the *Ax and Gate*, and appear'd in great Diſorder.

Mr. *Vernon* and Mr. *Yard*, the two firſt Secretaries in that Office being preſent, declar'd themſelves amaz'd at *Sorſoleil*'s denying his Hand; and both ſaid, they did as much believe it his Hand, as if they had ſeen him write it.

It may be remark'd upon the Hiſtory of this Affair, that would *Bernard* have dealt ingenuouſly, the World might have receiv'd Satisfaction who the Perſons were that obtain'd the Paſs to ſend *Robart* away; but he denies all, knows nothing of the Matter, and tells *Sorſoleil*, he is a Fool if he diſcovers what he knows. And,

Sorſoleil being under Obligations to the Duke of *L*——'s Family, is found ſo impudent as to deny his own Hand-writing, and that in the preſence of worthy Gentlemen who were well acquainted with his Writing, and of another who offer'd to make Oath he ſaw *Sorſoleil* write it.

So the Reſult is, *Robart* is fled the Kingdom with 600 Guineas, part of ſome Body's 5000; *Bernard* and *Sorſoleil* have ſubjected themſelves to the hazard of loſing good Imployments; and that *Non-Juror*, the Duke's old Friend, Mr. *Bates*, is lock'd up in the *Tower* with his own 500 Guineas. Now for whoſe ſake theſe Perſons have thus expos'd themſelves, I leave the Reader to conjecture.

Having but now mention'd Mr. *Bates*, ſome particular Hints occur to my remembrance, which may tend to ſet the Matter of the 5000, and alſo the 500 Guineas in its true Light, and which have not before been fully related. They are theſe,

Sir *Baſil Firebrace* declar'd, 'That to induce Sir *Thomas Cooke* to give *Bates* 500 'Guineas, he told him that Mr. *Bates* had a particular Intereſt in the Duke of 'L——; That Mr. *Bates*, or what *Methods* he took, made my Lord Preſident *more* 'eaſy than he was before he us'd thoſe *Means*.

And it may not be forgotten, that all the while Mr. *Bates* was under Examination by the Committee of both Houſes, he had a Paper in his Hand writ like a *Catechiſm*, with Queſtion and Anſwer on the Margin, which he perus'd before he would anſwer any Queſtion.

It was related *page* 497. of the *Collection of Debates*, &c. That Mr. *Bates* depos'd, *he ſent a Servant to receive the Mony*. Now it muſt be noted, that when he was ask'd the Name of the Servant; after long peruſing the ſaid Paper, he ſaid he thought *that was no fair Queſtion:* And it was ſeveral times demanded of him before he told the Committee *it was my Lord Preſident's Servant*, and his Name *Robart*.

Note alſo, That once when Mr. *Bates* was ask'd when the Mony was receiv'd, he ſaid, What! *My Lord's Mony?* Upon which it may not be amiſs perhaps to note, that in the Evidence given in, concerning Mr. *Bates* and *his Friend* at St. *James's*, Mr. *Bates* was ſaid to have been treated with, as one belonging to the D— of *L*——; which was not truly of ſo great Honour to him, as the Title he gave himſelf of *Friend* to that Great Perſon.

It is alſo to be remark'd, that Mr. *Bates* ſaid he receiv'd the 500 *Guineas himſelf* [tho as in *pag.* 497. of the *Collection*, he ſaid, *he could not well tell Mony*] and that *My Lord's Servant receiv'd the* 5000 *Guineas* [but not for the Duke it ſeems, but to keep by him, till the ſqueamiſh-conſcienc'd Gentleman, who could not ſwear to King *William* and Queen *Mary*, ſhould find ſuch a Noiſe made about them, that it ſhould become adviſable to make a Return of part of them to the right Owners.]

It may be further obſerv'd, That Mr. *Bates* had forgot the difference of Change in the Value of Guineas, from the Time they were receiv'd, to the Time they were return'd back; and ſeveral times inſiſted, that he had reſtor'd all the Numerical 5000 Guineas; when at laſt he own'd the Receit of 4400 Guineas only in four

Bags,

Bags, from Monſieur *Robart*. He ſaid he did not receive the 600 more, to make up the 5000 Guineas, and only repaid 4400.

To Sir *Baſil Firebrace*'s Depoſitions in the former *Collection*, *pag.*499. it may be added, that about a week before the Mony was brought back, he went to Mr. *Bates*, and bid him ſpeak to my Lord Duke, to take care this Matter might not come out: and Mr. *Bates* then told him, the Mony was all for himſelf, but he could not reſtore it till he had ſpoken with *his Friend*.

Now before we conclude, a few Words of Sir *John Trevor*, once Speaker of the Houſe of Commons, and of the innocent and highly abus'd Orphans.

Sir J. Trevor *receives a Gratuity of* 1000 *Guin.*

He (we remember) order'd Mr. *Leake* the Printer, and no other, to publiſh to the World, 'That Sir *John Trevor*, Speaker of the Houſe of Commons, receiving 'a Gratuity of 1000 Guineas from the City of *London*, after paſſing of the Orphans 'Bill, is guilty of a high Crime and Miſdemeanour. And in a few days after, the ſame Mr. *Leake*, without his Appointment or Leave, proclaim'd it, 'That Sir *John* '*Trevor*, late Speaker, was expell'd the Chair and Houſe for the ſaid high Crime 'and Miſdemeanour: So Juſt a Horror, ſo Noble an Indignation had this Auguſt Aſſembly for his Crime!

But here ſome few unthinking Men object, That if there were Juſtice in his Expulſion, yet to expel him for taking a Gratuity, after the paſſing an Act of Parliament, is *ſummum Jus*. What, ſay they, will you run up his Puniſhment ſo high, for a Fault of ſo ſoft a Name, for *a Gratuity only* (not *a Bribe*) and for *a Gratuity* given after the Act was paſs'd? To leave the Anſwer to another, I only obſerve, that tho this *Gratuity*, as term'd, was paid or given (which you will) after the Act was paſs'd, *he had an early Aſſurance* of the 1000 Guineas, and that four or five days before the Bill was order'd to be brought into the Houſe, as will preſently appear; as it may in due time, if ſome in the City would earneſtly ſet about it who made the Contract with him.

This cannot receive a more appoſite Anſwer than has been lately given by a moſt ingenious Perſon, and therefore with his leave I will tranſcribe it.

'When all is done *(ſaith he)* what a juſt Indignation muſt it raiſe in every one 'that loves his Country, to ſee it poſſible for *Corruption* ſo far to enter into that 'Chair, as to take Mony for an Act of Parliament! This is a monſtrous Production in Nature unknown to the Ages paſt, and only to be found in this. To take 'a Gratuity for an Act of Parliament, is ill enough; but to take one for an Act in 'favour of *poor Orphans*, for an Act in which not only the Honour of the Nation, 'but the Subſiſtence of ſome hundreds of People of good Faſhion and Quality, '*that wanted Bread, and muſt have ſtarv'd without it*, is concern'd; to take a Gratuity for ſuch an Act, is a thing ſcarce to be parallel'd! This was *to rob the Poor* with 'a Witneſs, a Crime which we ſee every day the Wretches that pad upon the High-'way diſdain to commit.

And whereas ſome blame the Perſons who gave the Speaker this Gratuity, the contrary hath been very well aſſerted, and they juſtify'd by him, who ſaid, That 'if a Man will not do me Juſtice without Mony, I know not why I may not give 'it him, rather than ſuffer by his Injuſtice; the Fault is none of mine, it's his that 'would not do me reaſon without it; I would give a Robber on the High-way a part 'to ſave the reſt.

That the Caſe ſtood thus with the diſtreſſed Orphans, is beyond contradiction true; their Caſe might be well eſteem'd Hopeleſs and Deſperate, by him who conſiders in how many Seſſions of Parliament they had been baffled and tired out with fruitleſs Attendances, and that Prayers and Tears had no way avail'd them.

Delays us'd in paſſing the Orphans Bill.

Were it conſiſtent with my deſign'd Brevity, I would recount the incredible Delays, and reiterated Diſappointments which had been given them in every Seſſion of this Parliament, till they came to make the *requiſite Application* to the *Speaker*; but I ſhall only review the *Journal* of the three Seſſions in 1691, 1692 and 1693. which will demonſtrate, that they were laid under the higheſt and moſt abſolute Neceſſity to try *the Power of Gold*.

On Friday the 27*th* of *November* 1691. The Lord-Mayor, Aldermen, and Common-Council of *London*, preſented a Petition to the Houſe of Commons, *praying leave to bring in a Bill for raiſing a Fund for an Annual Paiment, to be made in lieu of the Debts to the Orphans*. Which being read, Leave was given to bring in a Bill as pray'd; and on Wedneſday the ſecond of *December*, the Bill was preſented and read

the

the next day, and *order'd to lie on the Table*; which is eſteem'd in Parliamentary Proceedings, a clean way of rejecting it.

Narrative of the Delays & Methods us'd in getting the Orphans Bill to be paſs'd, from time to time.

Hereupon, on Wedneſday the 9*th* of *December*, it was reſolv'd (upon a Motion made on their behalf) that the Houſe would take into Conſideration the Debts due to the Orphans, and their Relief, the next Monday, and then conſider of Ways for their Satisfaction.

On that Monday, the 14*th* of *December*, the Conſideration of this Affair was deferred to the following Saturday, then to the next Thurſday, thence to that day Seven-night; ſo to the next Wedneſday, when nothing was done: But on Friday the 8*th* of *January* it was adjourn'd to the Tueſday following, then to the next Monday, thence to Friday, ſo to Wedneſday; and after that to

Friday the 29*th* of *January*, when they reſolv'd into a Committee of the whole Houſe to conſider of ways for ſatisfying the Orphans Debts; and Mr. *Harcourt* reported, that they had made ſome Progreſs, and *deſir'd Leave to ſit again:* Upon which they reſolv'd to conſider again next Wedneſday. Then nothing being done, on Friday *Feb.* 5. it was adjourn'd to the following Tueſday, when the Houſe being upon the *ſmall Tithe Bill*, nothing was done.

Thurſday the 11*th* of *February*, the Lords ſent down a Bill for Relief of the diſtreſſed Orphans, which was read; and upon Saturday the 13*th* the Lords ſent to put the Houſe in mind of that Bill: And thereupon a Motion was made that the Bill ſhould be then read a ſecond time, but it paſs'd in the *Negative*; and a like Motion was rejected on Saturday the 20*th* of *February*.

At this rate was their Affair carry'd (or rather ſtood ſtill in the Seſſion of 1691.) See now how it far'd with them in 1692.

On Thurſday the 17*th* of *November* 1692. the Sheriffs and ſeveral Aldermen preſented a Petition from the Lord-Mayor, Aldermen, and Common-Council of *London*, praying the Aſſiſtance of the Houſe for raiſing and ſettling a Fund for paiment of the Debts due to the Orphans: Which was read, and order'd to be taken into conſideration on Thurſday; when, and afterwards for that Seſſion, we find it adjourn'd from Thurſday to Wedneſday, from Wedneſday to Friday, *&c.* above twenty Days having been appointed, and nothing effected more than in 1691.

We are now got to the Seſſion of 1693. where you have a remarkable Trial of Skill.

On Thurſday *November* 30. 1693. a Petition of the Lord-Mayor, Aldermen and Common-Council of *London*, was preſented to the Houſe and read, *Praying the Conſideration of the Houſe, in order to a Proviſion to be made for paiment of the Debts due to the Orphans.* And it was referred to a Committee of the whole Houſe to conſider it the next Tueſday; then it ran its old Fate, as in 1691 and 1692. and their Expectation was not leſs than ten times rais'd and diſappointed, by ordering it to be conſider'd ſo many ſeveral Tueſdays, Fridays, *&c.* between that 30*th* of *November* and the 24*th* of *January*, and nothing done in it; but hitherto they had ſneakingly with-held the *Wonder-working Guineas.* And

They plainly found that *the Cart was bewitch'd*; and therefore to be deliver'd from the *Inchantment*, on Wedneſday the 24*th* of *January*, when the Houſe by their laſt Order of the 23*d*, were to *conſider (as they had heretofore done)* upon the Saturday following, the City obſerving the Houſe engag'd in the conſideration of *Ways* and *Means* for carrying on a vigorous War againſt *France*, took a Reſolution to bethink themſelves of *Ways* and *Means* for carrying on more vigorouſly their hitherto baffled Attempt to obtain Relief in the deplorable Caſe of their diſtreſſed Orphans; and in order thereunto, the Common-Council appointed a Committee to conſider of *Ways* and *Means* for ſatisfying their Debts, and to ſollicit the Parliament for a Bill to that purpoſe; and order'd the Chamberlain to iſſue out and pay ſuch Sums as are *requir'd* by, and neceſſary for promoting the ſaid Services; and directed that Mr. *Borrett* the City Sollicitor do attend the Committee.

It deſerves Remark, that when this Order was made and ſign'd by the Committee, there was a Blank for the Perſon's Name: But there was a diſcourſe in the Committee, that the *Speaker was the Perſon to whom the Mony was to be given:* And Mr. *Borrett* told the Committee, that *the Bill could not paſs without giving that Sum.* 2000 Guineas were mention'd by others; and the Perſons who ſollicited for the Orphans, declar'd it would coſt them as much as it did the City; and ſome of them ſaid they had been out more than 10000 *l.*

The City *Ways* and *Means* being yet under Conſideration, on Saturday the 27*th* of *January*, the Affair of the Orphans was put off to the next Friday, then to Tueſday

Tueſday *Feb.* 6. thence to Saturday following; when nothing being done, on Monday the 12*th* of *February* there began to be ſome Life in the Cauſe: Then a Petition of the diſtreſſed Orphans was preſented to the Houſe and read, *praying that* ſome Expedient *may be found out for their Relief.*

Behold now, they no ſooner pray for *an Expedient*, but they have it the ſame day; and here obſerve what it was.

Monday the 12*th* of *February* 1693. 'Order'd (by the Committee of Aldermen 'and Commoners, appointed by the Common-Council upon the 24*th* of *January*) 'that Mr. Chamberlain do pay to the Honourable Sir *John Trevor* Kt. Speaker of 'the Honourable Houſe of Commons, the Sum of 1000 Guineas, ſo ſoon as a Bill 'be paſs'd into an Act of Parliament for ſatisfying the Debts of the Orphans, and 'other Creditors of the ſaid City.

Well, whether it were owing to the Prayer of the Orphans, or to this Order of the Committee, I determine not; but now (however it happen'd) the Honourable Speaker (like another we lately talk'd of) appears more eaſy than heretofore; they had long apply'd to his Ear, but without Effect: Now they make a more proper Application by ſpeaking to *his Fiſt*, and mark how it works.

The Bill call'd for after ſeveral Diſappointments.

On Thurſday the 15*th* of *February*, the Orphans Affair, after at leaſt one hundred Diſappointments, is call'd upon in the Houſe; and what then? Why ſurely it is to be conſider'd the next Monday, or that day Seven-night, or ſo. —No ſuch thing: The Houſe reſolv'd it ſelf into a Committee of the whole Houſe to conſider of the Petition of the Lord-Mayor, *&c.* relating to the Orphans. What then? Why Col. *GOLDWELL* reported, that *they had gone through the Matter to them referr'd*, and come to ſeveral Reſolutions, which they directed him to report. [Here's now quick Work, all done with a Jirk, *no praying Leave to ſit again*, as heretofore. But who is this Col. *Goldwell?* he ought to be taken notice of, and well rewarded for this eminent piece of Service, as without doubt he was; for he would never do this for *Nothing*, who had 1000 *l.* of *Action* on the *Eaſt-India* Score, for doing Nothing. Beſides, he was no Fool; and if he had not known how this Matter would turn to Account, he would have ſaid as Mr. *Bates* did at the making the Bargain for the 5000 Guineas for his Friend at St. *James*'s—*What's this to me? I ought not to be imploy'd for Nothing.*] But when will the Report be made? Why, without Delay, expect but 48 Hours and you have it.

Saturday the 17*th* of *February*, Col. *Goldwell* made the Report. What's next? Why, 'tis fair if it be read next Saturday: No, 'tis inſtantly read; nay, which is more, agreed to; and a Bill order'd to be brought in by that moſt expeditious Gentleman, Col. *Goldwell.*

On Thurſday the 22*d* of *February*, Col. *Goldwell* brought in the Bill for Relief of the Orphans; it was read, and order'd a ſecond Reading. [Now here's no ordering it to lie on the Table.]

Saturday the 24*th* of *February*, the Orphans Bill was read a ſecond time, and order'd to be conſider'd by a Committee of the whole Houſe next Saturday.

Saturday the 3*d* of *March* [Nothing now is to interpoſe between Mr. *Speaker* and *his Comfortable Importance*] the Houſe reſolv'd it ſelf into a Committee of the whole Houſe upon the Orphans Bill, and Mr. *Hungerford* took the Chair, who reported they had gone through the Bill, and made ſome Amendments; and it was order'd that the Report be made on Thurſday.

Thurſday the 8*th* of *March*, Mr. *Hungerford* made the Report, which was read, and agreed to, and the Bill order'd to be ingroſs'd.

The Bill diſpatch'd at laſt.

On Monday *March* the 12*th*, the ingroſſed Bill for Relief of the Orphans was read a third time and paſs'd, and order'd to be carry'd up to the Lords, and that without a Meſſage from their Lordſhips (as heretofore) to put them in mind of the diſtreſſed Orphans Caſe. Mark now! when Buſineſs is put in a right Method, and underſtanding Men give their Minds to it, with what Eaſe and Expedition they can rid their Hands of that which before had gone very aukwardly. We find here, that theſe three expert Gentlemen, Sir *John Trevor*, Colonel *Goldwell*, and Mr. *Hungerford* (the Witchcraft being remov'd) gave a neat Diſpatch to that in leſs than four Weeks, which other, as willing and wiſe Men, but of a plainer ſort, had in vain been tugging at above four Years. But, as I ſaid before, *the Cart was till now evidently bewitch'd*, and that *by the Stingineſs of cloſe-handed Citizens*, as Col. *Cuthbert* expreſſed it *pag.* 483. of the *Collection* of Debates, *&c.*

Quid faciant Leges, ubi ſola Pecunia regnat,
Aut ubi Paupertas vincere nulla poteſt?
Ergo Judicium nihil eſt, niſi publica Merces,
Atque Eques *in Cauſa qui ſedet, empta probat.* Petron. Satyr.

Where e'er Judg Guinea rules, what uſe of Laws?
Contemned Poverty ne'er gets its Cauſe.
Juſtice is Merchants Ware, the Trade is free,
The KNIGHT that fills the Bench ſells the DECREE.

A Defence of the Archbiſhop's Sermon on the Death of her late Majeſty of bleſſed Memory: And of the Sermons of the late Archbiſhop, Bp. of Litchfield *and* Coventry, *Bp. of* Ely, *Bp. of* Salisbury, *Dr.* Sherlock, *Dr.* Wake, *Mr.* Fleetwood, *&c. preach'd upon that and ſeveral other ſolemn Occaſions.*

Printed in 1695. *Being a Vindication of the late Queeen, his preſent Majeſty, and the Government, from the malicious Aſperſions caſt upon them in two late Pamphlets; One entitled,* Remarks on ſome late Sermons, *&c. The other,* A Letter to the Author of a Sermon preach'd at the Funeral of her late Majeſty Queen *Mary.*

THE Author of the firſt Pamphlet ſeems to have made Poiſon his natural Food, for he breathes nothing but Rancor and Malice; which of it ſelf is enough to invalidate his Credit with every conſidering and impartial Reader: and if it be not an Argument of the Badneſs of his Cauſe, it does at leaſt demonſtrate the Weakneſs of its Champion.

Vindication of the Clergy that have taken the Oaths. His firſt Efforts are againſt ſuch of the Clergy as think themſelves oblig'd to ſpeak honourably of the preſent Government, either from the Pulpit or the Preſs; and this he charges upon them as an *Inconſiſtency with their former Principles and Practices: and calls it a Language* de facto, *which as well as their Oaths, hath a temporary Meaning, and may be capp'd if Occaſion ſerves with Expreſſions and Oaths of a contrary Tendency.* And yet he tells us, *Pag.* 3. *Col.* 1. that *far the beſt, wiſeſt, honeſteſt, and moſt numerous of the Complyers, think they can acquit themſelves by the Conſtraint and Force that is put upon them; but ſtill retain their old Principles relating to the Monarchy and the Church.* Now what elſe he can make of ſuch honeſt, wiſe, and good Perſons as here he deſcribes, than *de facto* Men, no body is able to judg; ſo that in one Breath, he both commends and condemns them, and proves himſelf guilty of that ſame Inconſiſtency for which he accuſes others. However, what he ſays is a very ſevere Libel againſt the Clergy, if it could be but as well prov'd as it is boldly aſſerted: But the Author would have done well before he had advanc'd ſuch a general Accuſation, to have conſider'd what hath been writ in defence of the Clergy from thoſe Calumnies of Inconſiſtency, *&c.* by Mr. *Johnſon*, and the Author of *Bibliotheca Politica*, &c. *viz.* that Paſſive Obedience, as cry'd up in the late times, was never the Doctrine of the Church

Church of *England*, tho it was given out as her Characteriſtick by a Party who did arrogate that Title: and until he confute what thoſe Authors have writ, the Clergy who comply with this Government, ought not to be reproach'd with Inconſiſtency; and for ſuch of them as might be hurried into that Opinion by the Current of the times, but have now recover'd themſelves, it may be reply'd, that there's no Man forbid to examine his Principles, nor to relinquiſh ſuch as he finds will not hold. So that the whole of our Author's Charge amounts to no more than this, that ſome of the Clergy were formerly blind, but now they ſee; and therefore he is angry that they don't ſtill ſtumble at the old block of Paſſive Obedience. Indeed there's no reaſon to wonder, that the Jacobites ſhould be ſo highly enrag'd when they hear the preſent Government commended from the Pulpit, becauſe it is one of the readieſt and moſt effectual Means to confirm the People in that good Opinion which they are naturally inclin'd to entertain concerning it: and therefore it were to be wiſh'd, that the Clergy did lay hold on all proper Occaſions of inſiſting on this Subject; as ſome of our Author's Kidney did in former Reigns, to advance the Prerogative of their Monarchs to an undue height.

His Majeſty's Government and Title vindicated.

This Gentleman's Diſtinction of the Clergy, is very obſervable. Some of them it ſeems find themſelves oblig'd to give the *glorious Epithets of illuſtrious Deliverer and Saviour to his preſent Majeſty*; and againſt thoſe our Author darts all the poiſonous Shafts in his Quiver. There are others whom he will have to be far *the wiſeſt, beſt, honeſteſt, and moſt numerous; who tho they comply, do nevertheleſs excuſe themſelves, becauſe of the Conſtraint put upon them; and retain ſtill their old Principles, relating to the Monarchy and the Church:* and thoſe to be ſure neither will, nor can ſay any thing in Commendation of this preſent Government, which they muſt needs look upon as an Uſurpation. And hence our Author's Honeſty may be gueſs'd at; who allows ſuch Men to be wiſe, good, and honeſt, that can ſwear Allegiance to a Government, profeſs a Compliance with it, and pray daily for its being ſupported; when at the ſame time they look upon it as founded on Injuſtice and Uſurpation. But ſuppoſing our Author's Aſſertion to be true, where's his Policy, and what's the Service he does to his Party, by making it publick? It might be reaſonably thought, that a ſacred Concealment of ſuch an important Secret would be more for the late King's Intereſt, than to publiſh it thus to the World: For ſo long as the Compliance of the major part of the Clergy is look'd upon by this Government to be ſincere, whereas according to our Author it is nothing ſo, then thoſe diſſembling Clergy-men have the better Opportunity to rid themſelves of that burden, which now they are forc'd to crouch under: But by telling it thus to the World, that ſuch of them as preach in defence of the preſent Government are mere Temporizers, and thoſe who ſay nothing do only ſubmit by Conſtraint, is to do as much as in our Author lies, to ſet the Government on their Guard againſt all the Clergy; and either to put their Loyalty to the Touch-ſtone, by obliging them to abjure K. *James*, as is practis'd by our Neighbors in *Scotland*, or to take ſuch other Meaſures as may turn all thoſe Diſſemblers out, to make room for thoſe who are honeſter Men. And therefore let the Jacobites themſelves be Judges, whether our Author deſerves their Thanks for this Inſinuation. But to make ſomething of an Apology for the Gentleman, becauſe it's pity he ſhould loſe both Parties: It's highly probable that he does not believe it himſelf; for if he had, he would never have been guilty of ſo much Folly, and Diſhoneſty to their Intereſt, as to have publiſh'd it to the World. But he knows that ſuch a ſly Suggeſtion may be of uſe to ſupport ſome of the drooping Spirits of his own Party, and ſerve to create a Miſunderſtanding amongſt ours if it could obtain Belief. But he may be pleas'd to take notice, that the Williamites do expect better Evidence than his, before they give Credit to an Accuſation on ſuch Conſequence.

Our Author falls next upon the Clergy's Method of ſupporting their *ungodly Intereſt*, as he calls it, *Pag.* 3. *Col.* 1. *which is firſt to blacken all thoſe that oppoſe it*; and *next to magnify and advance that Intereſt on the other hand, as much as they can.*

Archbiſhop Tillotſon vindicated.

The Gentleman's Choler is in a mighty ferment, becauſe Dr. *Tillotſon* and others did in their Sermons give the *French* King the Character of a 'Great Oppreſſor, Antichri-'ſtian Tyranny and Powers, one who invades and uſurps upon the Liberties of *Europe*, 'that hath ſtain'd all the Pride of his Glory by Tyranny and Oppreſſion, by enlarging 'his Dominions without Right, by making War on his Neighbors without Occaſion, 'or even Colour of Provocation; and this in a more barbarous manner than the 'moſt barbarous Nations ever did, carrying Fire and Deſolation wherever he 'went, laying waſt many and great Cities without Neceſſity and without Pity:

'One who has endeavour'd to exalt his Nation by nothing but Fraud and Forgery, 'Perfidiouſneſs and Perjury; by breaking his Faith, and violating Leagues and 'ſolemn Treaties, *&c.* And this our Author calls a *Godly Method of diſparaging and reproaching*. Now if all *Europe* could not atteſt this to be a true Character, our *French* Champion might have ſome Cauſe to call it not a godly (according to his profane Rhetorick) but an ungodly Method of diſparaging and reproaching: But every Sentence of it can be ſufficiently prov'd, and the Gentleman will find it ſo if he will be at the pains to conſider his barbarous Perſecution of his Proteſtant Subjects, and the Manner of it; which does at once demonſtrate his great Oppreſſion, Antichriſtian Tyranny, Ingratitude, Fraud and Perjury, to have dealt ſo by a People to whom he owes his Crown, and whoſe Privileges were confirm'd by the Edict of *Nants*, which was one of the moſt ſolemn Treaties that ever was in *Chriſtendom*. That he hath invaded and uſurp'd upon the Liberties of *Europe*, hath been loudly declar'd to the World by *Germany*, *Spain*, and the *Netherlands*; that he hath made War upon his Neighbors without Occaſion, or Colour of Provocation, will ſcarcely be deny'd, ſo long as his breaking in upon *Low-Germany* and *Holland* in 1672. can be remembred: His enlarging his Dominions without Right, is ſufficiently demonſtrable from his treacherous Uſurpation of the Dukedom of *Lorrain*, &c. and his barbarous Manner of waging War, carrying Fire and Deſolation wherever he went, laying waſt many and great Cities, without Neceſſity and without Pity, is but too too evident from the lamentable Fate of the *Palatinate*, *Worms*, *Manheim*, *Heidelberg*, &c. Nay we have Witneſſes enough of the Barbarity of his Troops in burning of Towns nearer home, *viz.* in *Ireland*: And that he hath endeavour'd to exalt his Nation by Fraud and Forgery, Perfidiouſneſs and Perjury, can never be deny'd ſo long as his Violation of the Treaties of *Nimeguen*, *Aix la Chappelle*, and others, are upon Record.

Jacobites vindicate the Fr. *K.*

The Libeller's ſpiteful Similies, and Rhetorical Flouriſhes, to prove that thoſe Divines do aggravate the *French* King's Tyranny and Oppreſſion, to render us inſenſible of our own at home, diſcover ſo much of his Temper, that if the *French* Tyrant had ſought all *Europe* over, he could not have found an Advocate fitter for ſuch a Cauſe, and ſuch a Maſter. Naturaliſts tell us of a certain Animal that lays aſide its Poiſon when it goes to drink, for fear it ſhould poiſon it ſelf: Our Author I ſuppoſe to be ſuch a kind of Creature, and therefore he may now take his Glaſs freely; for I doubt not but he hath bankrupt his whole Stock of Venom, and when he hath done with his Bumper, he may return with the Dog to his Vomit, and lick it up again. But I will ſuppoſe that he hath not done it yet, and that now he may have ſome lucid Interval, and therefore we will argue the Caſe a little calmly.

Does he think then that he gives us *quid pro quo*, when he tells us, that we have a greater Uſurper at home than the *French* King, who hath been a little uncivil to the *Germans* and *Spaniards*, and taken a few Towns, whereas ours hath uſurp'd three whole Kingdoms? Can this Libeller ſay that the *Germans* and *Spaniards* invited the *French* King to come and deliver their Countries and Towns from the Uſurpations of their own Princes upon their Laws and Religion? Or can he pretend that *Lewis* XIV. had his Wife's and his own Title to thoſe Towns and Provinces, endanger'd by the impoſing of a ſuppoſititious Heir upon them?

The Charge againſt the French *K. juſtify'd.*

Ay, but ſays our Author, the *French* King had no Father to uſurp upon, and he hath offer'd to reſtore thoſe Towns, *&c.* on honourable Conditions. I have heard of a ſmart Repartee by our *Charles* the Second, when an Exile in *France*, to his Couſin *Lewis*; who falling out with him on ſome occaſion, upbraided him with his Father's Wilfulneſs: 'True, Sir, ſaid he, I had a Father, but you can ſcarcely 'tell us who was yours. I will not vouch for the Truth of the Story; but am apt to think, that if the *French* King's Father had been alive to this day, he would have uſurp'd upon him before now if he could have known him, and that he had poſſeſs'd any thing worthy to be uſurp'd upon: But we are certain that he hath uſurp'd upon his Brother-in-Law, and other Relations, and that contrary to the Treaty of the *Pyrenees*, and other ſolemn Tranſactions. As for his offering to reſtore the Towns, it's only becauſe he's afraid he ſhall not be able to keep them: but bleſſed be God the Caſe is otherwiſe with King *William*; and if it were not, he has more true Courage to defend his juſt Right, than to offer to part with it ſo long as he can handle his Sword. This malicious Pamphleteer would have done well to have conſider'd what hath been writ by ſo many able Pens, in defence of the preſent Government from the odious Charge of Uſurpation, before he had ventur'd to call our Sovereign an Uſurper, and particularly that elaborate Piece call'd *Bibliotheca Politica*; but he chuſes railing rather than reaſoning.

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As appears by that envious Reflection, pag. 5. col. 1. *That all the Liberty this Nation enjoys under this bleſſed Revolution, is a Liberty of giving ſeven or eight Millions year after year, and a Liberty of loſing as much more; a Liberty of being firſt made poor, and then famiſh'd and ſtarv'd; a Liberty of having our Brethren and Countrymen ſent into foreign Countries to be knockt on the head; a Liberty of being ſcorn'd by all Mankind, as the moſt treacherous and perfidious Nation in the World: And laſt of all, a Liberty of being impoveriſh'd beyond repair, and being ruin'd for ever.* And he gives us a Defiance to ſhew any other Liberty beſides, as the direct and immediate Fruits of the Revolution.

We don't at all doubt but our Author, and thoſe of his Stamp, would be very well ſatisfied, if inſtead of ſpending ſome Millions in our defence abroad, the *French* King or his Deputy the late King, for ſuch he muſt be if ever he return hither, were devouring our Subſtance with an armed Force in the Bowels of the Kingdom; and that inſtead of having ſome of our Brethren knockt on the head in *Flanders* for the defence of that Country which was formerly reckon'd our Barrier, there were ſome thouſands of them butcher'd at home by *Iriſh* and *French* Cut-throats: and then inſtead of ſome Millions, we muſt part with our whole Stock to ſatisfy the ravening Appetites of the abdicated Prince's neceſſitous Adherents, and the *French* King's Demands for maintaining him ſome years, and bearing the Charge of a War on his account. And then we ſhould indeed be impoveriſh'd beyond repair, and become the Scorn and Reproach of the whole World, as being utterly and irrecoverably undone by our own Folly.

As for the other Liberties that we enjoy as the direct Fruits of the Revolution, which this bold Libeller defies us to ſhow, we could enumerate many, but ſhall only inſtance in theſe that follow, *viz.*

The Liberty we have acquir'd by the Revolution.

'We are now deliver'd from a Popiſh King on the Throne, profeſs'd Jeſuits, and 'other Papiſts, in our Council, Parliament, Benches, Army, Fleet and Univer- 'ſities; nor are we now in hazard of having a ſuppoſititious Heir of the Crown 'impos'd upon us, and educated in the Romiſh Communion, to the ruin both of 'our Religion and Property. We are now at liberty, and have done it accordingly in a good meaſure, to make ſuch Laws, and take ſuch other Methods as are 'moſt proper to preſerve us from ſuch Dangers in time to come. All Proteſtants 'are now at liberty to worſhip God according as they are perſuaded in their Conſciences is moſt agreeable to his Will, without fear of being ruin'd in their Perſons or Eſtates, by any Faction prompted thereunto by the Court, or without hazard of having any Party of Proteſtants join with Papiſts, to overthrow the 'Church as by Law eſtabliſh'd, that ſo they may procure Eaſe to themſelves. We 'are now deliver'd from having the Charters of our Cities and Corporations ſeiz'd by *Quo Warranto's*, Sheriffs impos'd and Juries packt, to ruin the Lives and Eſtates of ſuch as the Court pleas'd, and cut off the Chief of our Proteſtant Nobility by wreſted Forms of Law. We are now deliver'd from having the 'Throats of our Peers and Magiſtrates cut, and the Scandal of it thrown on themſelves. We are now deliver'd from all Reſtraints upon thoſe who have a Right to 'vote for Members of Parliament, and are in no fear of having a Court-Faction 'impos'd upon us as the Repreſentatives of the Nation. We are now deliver'd 'from a Power of diſpenſing with Laws, and a Set of Judges and Eccleſiaſticks, 'who advanc'd the King's Power above all Laws. We are now aſſur'd of a Privilege of having a new Parliament once in three years: And we are now deliver'd 'from all Apprehenſions of the Court's joining with *France* to enſlave us, or bringing in of *French* and *Iriſh* Papiſts to endanger our Lives and Eſtates. We are now 'ſecur'd againſt the keeping up of a Standing Army in time of Peace, and have liberty to enquire which way the Mony of the Nation is ſpent, and to puniſh thoſe 'that miſpend it. We are now deliver'd from the fear of being invaded by our 'Neighbours of *Scotland*, where our late Princes had procur'd an Act of Parliament for a numerous Army, to over-awe us into a Compliance with the Deſigns 'ſet on foot to bring in Popery and Slavery. We are now deliver'd from all fear 'of loſing the *Engliſh* and Proteſtant Intereſt in *Ireland*, by having the Government 'of that Kingdom put into the hands of *Iriſh* Papiſts: And we are alſo deliver'd 'from all Fears of an Invaſion from thence. We are now deliver'd from all danger of being engag'd in a War upon every trivial occaſion with our Proteſtant 'Allies the *Dutch*, and being made the inglorious and unhappy Tools of contributing 'to the Ruin of the Reform'd Religion in *Europe*. We are now deliver'd from an illegal High Commiſſion, compos'd of Papiſts and corrupt Proteſtants, to ruin our

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'Church and Universities. We are now deliver'd from Regulators to turn out such 'Magistrates of Corporations and Commissioners of the Peace, as will not agree to 'repeal those Laws which secure our Religion. We are now deliver'd from all 'fear of having Papists to be our Magistrates and Legislators; or having our No-'bility and Gentry prosecuted as Criminals, for advising not to obey the Orders of 'such Magistrates. We are now deliver'd from having Mony levied for the use of 'the Crown, by pretence of Prerogative. We are now deliver'd from excessive 'Bails and Fines, and cruel unusual Punishments: Nor are our Representatives in 'Parliament now prosecuted for Freedom of Speech. Now all these, and many more are the direct and immediate Fruits of the Revolution: But if our Author and his Party will not see them, we cannot help it; tho at the same time they must give us leave to charge them with the height of Impudence and Injustice to deny it.

Charge against the Fr. King justify'd.

Our Libeller, *pag.* 5. *col.* 2. in answer to that Charge of the *French* King's advancing himself by breaking his Faith, and violating Leagues and solemn Treaties, thinks he acquits himself bravely by recriminating upon the States and the Prince of *Orange*, as guilty of such a perfidious and notorious Violation of Faith, Leagues, and solemn Treaties, by making War on K. *James*, as no History can parallel. If hard words would do it, our Author has sufficiently prov'd it. However, if he will allow us to follow his own Method of Recrimination, we can quickly reply, that if they did so, it was but according to the Copy set them by *Charles* the Second, who made war upon them, and seiz'd their Ships without any Declaration, whereof K. *James*, when Duke of *York*, was suppos'd to be the chief Promoter; so that he was but justly repaid in his own Coin. And what if we should tell our Author further, that his great Master *Lewis* XIV. made war on the Empire, seiz'd *Philipsburgh*, and invaded the *Palatinate* during the time of a Truce, and without any previous Declaration; that in the like manner he did seize *Strasburgh* and *Luxemburgh* after the Peace of *Nimeguen?* And the *French* reckon it one of the greatest Embellishments in Cardinal *Richlieu*'s History, that he plotted the Revolt of *Portugal* from the Crown of *Spain:* So that now I hope we have cram'd our Author with Parallels. But to be plainer with him yet: We deny his Charge; the States made no War upon *England*, but only lent their Forces to the Prince of *Orange*, an independent Sovereign, to pursue his own and his Wife's Right, which K. *James* went about to deprive them of by a counterfeit Heir. And tho they had declar'd the War in their own Names, it's no more than what might very well be justified, considering the strict Alliance betwixt K. *James* and the *French* King, and the angry Memorials which the latter's Envoy had presented to them not long before. So that they had all the reason in the world to secure themselves against the Designs of those two great Monarchs, of whose implacable Enmity they had but too much Experience. But further; Tho neither the Prince nor the States had had any Cause of their own, it would have been not only just, but generous, to have lent their helping hand to a neighboring Protestant Church and State, that were ready to be swallow'd up by Popery and Slavery: And Assistance by one Prince and State to another in such cases, is not only allow'd by *Bodin* and *Barclay*, but patroniz'd by the Examples of Q. *Elizabeth*, K. *James*, and K. *Charles* the First; the former having given such Assistance to the Protestants of *Scotland*, *France* and the *Netherlands*, against their own Sovereigns, and the two latter having done the like as to the Protestants of *France*. So that our Author, I hope, will be satisfied, that we have show'd him several such Violations of Leagues and Treaties as he falsly charges upon the Prince and the *Dutch*, without going to search the *Records of Villany*, as he modestly bids us, except the Life of *Lewis* XIV. be such a Record.

The French Advocate's Answer.

This *French* Advocate can find no other Topicks to defend his Client from the Charge of making War upon his Neighbors without Reason or Provocation, but the Precept that we are not to speak evil of Dignities. Methinks such an acute Author might have easily distinguish'd betwixt Dignities and Dignified Persons: for tho it be unlawful to speak evil of any Government, yet it must be allow'd, that there are some Cases when the Truth may be told of wicked Governors, else all Historians are culpable in relating the Vices of such as *Nero* and *Domitian*; St. *Paul* must be blam'd for calling *Nero* a Lion, and our Saviour condemn'd for calling *Herod* a Fox.

Our Author asserts *pag.* 7. *col.* 1. that 'If the *French* King had no Provocation to a 'War with the rest of his Neighbors, yet he had Provocations from us; and that 'he defies the Wit of man to assign any more than one Reason and one Provoca-'tion of this terrible War on our side, and neither of them just, honorable, nor

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'neceſſary, *viz.* the skreening our Neighbors the *Dutch*, and our Men and Mony 'muſt be ſent thither for no other reaſon but to ſave their Pockets and their Skins; 'and he doubts this will never paſs for an honorable Reaſon among *Engliſh*-men, 'that 'tis worth ſuch prodigious Quantities of *Engliſh* Treaſure and Blood to fight 'their Battels and ſecure their Frontiers. This he will have to be the reaſon of our War with *France*; and the only Provocation is, the *French* King's entertaining of K. *James*. For his pitiful Reflection in that ſame place, as if we undertook this War to preſerve the Prince's Hunting, and his liberty of eating Bread and Cheeſe, *&c.* it argues the Author to be a mean-ſpirited Fellow, and deſerves no Anſwer, nor indeed no other Reward from *Lewis* XIV. but to make him a Porter to the Seraglio of *St. Cyr*.

War againſt France juſtify'd.

But to the former part of the Reflection, becauſe it may perhaps have ſome weight with thoſe who have as little Conſcience or Senſe as himſelf, he may be pleas'd to take this Anſwer: That we had reaſon to make War upon *France* as Guardians of the Treaties which that King had broke; and this was own'd in part by K. *James* himſelf, when he offer'd his Concurrence with the States to bring that King to Reaſon, upon the News of the Prince's intended Deſcent: But that which is ſtill a greater Reaſon, was his offering K. *James* Aſſiſtance to keep us in Slavery. So that no man, who has not forfeited his Senſes, can be ſo blockiſh as not to perceive that it is our Intereſt to endeavour to put him out of a condition of ſerving us the ſame again. And hence it will appear, that we defend our ſelves as well as the *Dutch*; and 'tis agreeable to all the Maxims of Policy, that we had better attack our Enemy upon his own Frontiers, than ſuffer him to approach ours. But we know that this Libeller, and thoſe of his Gang, are angry that we ſhould chuſe that Method; becauſe ſo long as we do ſo, the execrable Faction can never join him: And from the ſame Motive it was, we doubt not, that ſome People of late have expreſs'd ſo much Anger at our Fleet's being ſent to the *Mediterranean*. This Scribler has a ſuperlative Spite at the *Dutch*, and is very angry that we ſhould give them any Aſſiſtance; but whatever his ſort of Men may think of it, the moſt part of the Nation believe themſelves oblig'd to it in requital of the ſeaſonable Aſſiſtance which they gave us to effect the happy Revolution: And tho our Author, we know, looks upon that as their Crime, he muſt not be angry at us, if we think it an Obligation, and indeed a very remarkable Providence, that as we were the Inſtruments of ſaving them in 1588, they ſhould be made the Inſtruments of ſaving us in 1688. And why it ſhould be leſs honorable in us to ſave them from the *French* now, than it was to ſave them from the *Spaniards* formerly, we ſhould be very glad to know our Author's reaſon: for if the *French* ſhould over-run their Country, and poſſeſs their Sea-ports, we might quickly find it to our coſt, that they would prove more troubleſom Neighbors. And therefore there's all the reaſon in the world, that when I ſee my Neighbor's Houſe on fire I ſhould aſſiſt him to quench it; leſt the Flames that conſume his Houſe, burn mine down to the ground. As for that malicious and groundleſs Calumny, that *the only Provocation we have againſt the* French *King is his entertaining of K.* James *in a Noble, Princely, and Chriſtian manner*; it denotes the Impudence of the Author to be unexpreſſible. We have ſaid enough already to evince, that there is other Cauſe of Provocation; and are ſo little concern'd at his Entertainment there, that we could very well ſpare the Author and all his Gang to take a ſhare of it; but that they would carry whatever Effects they could hence, and return again Beggars, as the Party do daily, and ſo become a Burden to their native Country. The Libeller may be alſo pleas'd to take notice, that how generous ſoever he may repreſent the *French* King, it's more for his own Intereſt, than any reſpect he has to K. *James*, that makes him entertain him; and yet 'tis very well known, that he would gladly be rid of the Burden, if he could tell how, now that he does not find his Account in keeping him, elſe he would never have ſollicited the Pope to grant him an Allowance and Reſidence at *Rome*. It's within the Memory of Man, ſince he would neither entertain him nor his Brother, when they were forc'd to flee before the Uſurper: and if he had not been deceiv'd by the hopes of embroiling our Affairs in *England*, and diverting our Forces from attacking him beyond Sea, he would never have entertain'd him now; and were he but half ſo generous as this Scribler repreſents him, he would never have thought K. *James* ſuch a Burden as he does, eſpecially when he knows that he loſt his three Crowns by purſuing his Meaſures, and valuing his Alliance more than the Affections of his People. So that 'tis not the *French* King's Piety, as this Author abſurdly gloſſes it, in entertaining K. *James* that offends us, but that he ſhould have

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engag'd that unhappy Prince in his own impious Designs, to root out the Northern Hereſy. As for that malicious and helliſh Suggeſtion of our Sovereign's being uneaſy ſo long as the late King is alive, and that he would be content to have him ſtarv'd abroad, it may ſerve for a Character of ſuch a baſe-ſpirited Villain as the Author: But that Prince's filial Regard to his unfortunate Uncle and Father, diſcover'd it ſelf ſo much in his Tenderneſs towards him when he was in his power, tho the late King's unnatural Carriage to his deareſt Princeſs and himſelf, would have juſtified another Conduct in that Heat which does uſually attend ſuch Indignities, eſpecially when both Parties betake themſelves to Arms, that none but ſuch a black-mouth *Cerberus* as this Libeller could have had the Impudence to upbraid him with it; eſpecially if he had given himſelf leave to reflect upon that barbarous Conſpiracy, manag'd by the *French* King and K. *James* againſt his Majeſty's Life, by *Granval* and other Aſſaſſinates: whereas neither of 'em ever had ſo much Courage as to rencounter him in Perſon in the Field.

ABp Tillotſon's *Sermon vindicated.*

His next Effort is upon the late Arch-biſhop, for ſaying in a Sermon, That the *French* King makes War in a more barbarous manner than the moſt barbarous Nations ever did, *&c.* And here our Author triumphs over the Archbiſhop's ſuppos'd 'Ignorance and Falſhood, and informing himſelf from the Newsbooks and *Welwood*'s 'Obſervator, rather than from the Bible; where he might find that *Nebuchadnezzar* 'not only burnt *Jeruſalem*, but carried the People Captive: and it was uſual for 'Conquerors in thoſe days to drive a whole Country, and replant it with their own 'native Subjects; of which the Conqueſt of *Samaria* is a dreadful Inſtance. I make no doubt but our generous Author has read the Fable of the living Aſs's kicking the dead Lion, he puts it ſo exactly in practice: But he may be pleas'd to take notice, that if that renown'd Archbiſhop had been alive, he would have thought it below him to regard the Snarlings of ſuch Animals as he. That worthy Perſon's Piety and Learning have erected themſelves ſuch laſting Monuments, as neither the Ruſt of Time, nor the infectious Breath of this Scribler, and the reſt of his Kennel, ſhall ever be able to deface. But to come nearer him: Why might it not be as lawful for the Archbiſhop to take Information of matters of fact from Dr. *Welwood*'s Obſervator, as it was for the Clergy of our Author's Party to quote *L'Eſtrange*'s from their Pulpits in the days of yore? For certainly, as the Doctor had a better Cauſe to manage than Sir *Roger*, he was not under ſuch Temptations as he to diſguiſe Truth with Falſhood. And why the *London* Gazette and *Haerlem* Courant ſhould not be eſteem'd as good Authorities as the *Paris* Gazette and *Dyer*'s News-Letter, there's no other Reaſon to be aſſign'd, but becauſe theſe laſt are the *Jacobite* Oracles, and yet both of them as falſe in their Reſponſes, as ever were the Devils of *Delphos* and *Trophimus*. Nor is there any other Government but this, that would ſuffer ſuch impudent Libels to be ſpread thro the Kingdom; but it's below them to regard the barking of Curs. However, this ſcurrilous Fellow may be pleas'd to take notice, that the Archbiſhop's Poſt and Character entitled him to a better and earlier Correſpondence, than what is to be found in printed Papers. As to the Ignorance and Falſhood with which he charges this worthy Primate, from the Inſtances of *Jeruſalem* and *Samaria*; our Author would do well to juſtify his own Learning and Veracity, by telling us whether thoſe Cities were ſo treated contrary to the Articles of Surrender and Agreement, by *Nebuchadnezzar* and the King of *Aſſyria*, as were the Cities of *Spire*, *Worms*, *Ments*, &c. by the *French* King: of which the Dauphin was ſo much aſham'd, that he was thereupon very unwilling to command the *German* Campagn in 1689. And as a farther Evidence of our Author's profound Knowledg in Antiquity, pray let him tell us whether *Nebuchadnezzar* and the King of *Aſſyria* deſtroy'd the Temples, and overturn'd the Altars of thoſe very Gods which they themſelves worſhip'd, according to the laudable Practice of the *French* King, who ſpares neither Monaſteries, Churches, Shrines, nor conſecrated Virgins. And ſo long as this Scribler can never make it appear, that thoſe Princes did either act contrary to the Capitulations, or to the Religion which they themſelves profeſs'd, he may take his Inſtances again, and reſerve them till another occaſion; for I doubt they will do him very little Service in this. And ſeeing our Author is very well read, let him give us Examples of greater Barbarity if he can, than the burning of ſo many Towns and Cities in cold Blood after Surrender upon the Faith of Articles, as were burnt in the *Palatinate* by the *French* King's Order; inſomuch that all *Europe* cry'd ſhame upon his Troops as Savages, who lov'd to do miſchief for miſchief's ſake. What account can he give to his own Conſcience, or the Church of *Rome*, of which he pretends to be the eldeſt Son, for burning

Fr. King more cruel and perfidious than the King of Babylon or Aſſyria.

burning all the Churches in *Neuſtadt*, *Bingue*, *Neufburgh* and *Worms*, with all the moſt venerable Relicks, and the Image of the Virgin in the Cathedral of the laſt, tho it had been fam'd in their Legends for working of Miracles, and alledg'd to have ſpoken ſometimes? How can he juſtify the blowing up of *Mount Olives* at *Spires*, which was a Maſter-piece of Sculpture, and much reverenc'd by all devout Papiſts? Now tho ſuch things may happen when Towns are taken by Storm, what can be ſaid to extenuate the ſame after Capitulation, and in cold Blood? Nor did their Outrage terminate here, but they murder'd the poor People that they found upon the Roads, and burnt the Country Villages, and all this by the Order of their Court.

We could give him many Inſtances of this nature, but ſhall conclude with the barbarous Treatment of *Heidelburgh*, the raviſhing of all the young Women of Faſhion in the City, after they were promis'd the General's Protection (an Imployment that our beaſtly *Jacobites* about Town had much rather undertake, than ſtorming of Cities.) Can our Author give us an Inſtance of greater Barbarity than that of turning the Corps of the Electors out of their Tombs, and playing at Foot-ball with their Sculls? And let this audacious Bravado ſhew us if he can, a more barbarous Perſecution by any of the Heathen Emperors againſt the Chriſtians, than that of *Lewis* XIV. againſt his Proteſtant Subjects; which has this one thing in it not to be parallel'd in any of thoſe Perſecutions, that then Chriſtians might at any time have ſav'd their Conſciences with the loſs of their Lives: But here they could not, the barbarous Dragoons having Commiſſion not to ſlay them; but by hanging them up by the Hair of the Head, ſcorching their Privities with Pouder, *&c.* toſſing them from one another, or beating Drums to keep them from ſleep, till they had loſt the uſe of their Reaſon, to force them to abjure their Religion; or by thruſting the Hoſtie down their Throats during the height of a Fever, to torment them as guilty of a Relapſe when they came to themſelves, and bewail'd what they perceiv'd to have been done by the Cruciſix, or ſome other idolatrous Picture being affix'd to their Bed, the very thoughts of which have made ſome throw themſelves headlong from Windows. Nor did their Rage terminate here, but extended it ſelf to the very dead Corps of the Reformed; to which they denied Burial, but either expos'd them to the Dogs, or threw them into Jakes; and would ſometimes lay the dead Bodies of Men and Women together in the moſt obſcene Poſtures, that they might thereby give a convincing Demonſtration to all the World that their Church of *Rome* was the *Great Whore* deſcrib'd in the *Revelation*. And add to all this, the Multitudes of the moſt uſeful, and as he had ſeveral times own'd himſelf, of the moſt loyal of his Subjects, driven by thoſe Methods into foreign Countries, inſtead of depopulating thoſe of his Enemies. And let our Author if he can, give us an Inſtance of ſuch Barbarity in all its Circumſtances: and yet this is the Man, on whoſe Honour, Piety, and what not, this impudent Fellow makes Declamations; and whoſe Aſſiſtance the demented Crew do court and rely on, to re-eſtabliſh that which, in ſpite of Heaven it ſelf, they will call a Church.

A. B. Sancroft his being turn'd out juſtify'd.

The Scribler's next Reflection upon the Arch-biſhop, is, 'His turning out of 'Arch-biſhop *Sancroft* from his legal and rightful Poſſeſſion, in a moſt violent 'and barbarous manner. By which he diſcovers himſelf to be a barbarous Liar: The whole Kingdom knows that *Sancroft* was legally turn'd out, and the other as legally put in, if the Authority of King and Parliament may be accounted Law. *Sancroft* was more ſeverely dealt with for petitioning King *James*, than ever he was for diſowning King *William*; and guilty of a greater Inconſiſtency in his Practices, than any that this Author can faſten upon Arch-biſhop *Tillotſon*. The Publick knows that he was the firſt who ſign'd the Prince of *Orange*'s Invitation to the City, and that he was the very Perſon who took the Keys of the *Tower* from King *James*'s Lieutenant, which were as real Acts of *Læſæ Majeſtatis* as if he had ſtab'd him to the Heart; and how he could juſtify himſelf in doing this, and yet oppoſe and diſown the preſent Government, let thoſe that are concern'd in his Reputation ſee to it. But certainly no body can blame this Government for turning one out of ſuch an eminent Poſt, who had declar'd himſelf ſo much their Enemy, when a diſowning of the Titles of any of our late Kings would have coſt him his Head.

The Scribler, *Page* 8. charges us with 'a Barbarity equal to that of the *French*, 'becauſe of our bombarding *Diep*, &c. without Neceſſity or Pity: Which, he ſays, 'was the only Seat left for the Proteſtants in *France*, and that for every Penny 'Damage done to the *French* by that Expedition, it coſt our ſelves five Shil-

'lings. And to demonstrate this he would perswade us, 'that *Diep* was insignifi-
'cant.

Bombarding of Diep *justify'd.*

Before our Author can make this appear to be an equal Barbarity, he must prove that we did it after a Surrender upon Articles, and that our Outrage extended to those things that we worship. That the Protestants are allow'd any Seat in the *French* King's Dominions, is what our Author can never make good; and if the Inhabitants of *Diep* were such, they might have been welcome with their Effects aboard our Fleet: But for the *French* King's new Converts, or real Perverts, I don't know that they merit our Consideration, till such time as they give better Evidences of it. However, they were not chain'd to their Houses, and they may blame themselves if they perish'd in their Ruins; but that the *English* Nation has been wanting in their Kindness to the *French* Protestants, either in times past or present, he must have our Author's Impudence that will offer to say it. That the Expedition was necessary is very demonstrable, in order to undeceive the besotted *French*, who are made to believe that their Tyrant was Master both by Sea and Land; but yet more to divert his Troops, and oblige him to a farther Expence of his Treasure, all of which was in a good measure effected: And whatever this Scribler may suggest, there's no Man of Sense but will easily perceive, that the Damage done to his Towns, the harassing of his Troops, and the Charge of the Country in guarding the Coasts, must have done him ten times more Damage than our Charge amounted to.

Then as to *Diep*, which he contemns as insignificant to cover the *French* King's Loss, let him consult the *French* Geographers, and they will tell him that it was a large, strong, and well-built City, defended with a Castle, had a noble Haven, many Churches, fine Market-places, and a considerable Trade both with *England*, *Holland*, *East* and *West-Indies*; being of such consideration, that the Leaguers and Royalists thought it always worth their while to strive who should be Masters of it, and that *Henry* IV. defeated the Leaguers in a great Battel for its Defence.

Ibid. He charges us 'with hanging of Prisoners of War in cold Blood as Pirates,
'by the Pretence and under the Formality of a Law; which he calls the most bar-
'barous Murder under the Sun, to hang a Subject for following the Fortune of his
'Prince, and fighting under his Commission, having never acknowledg'd the
'Authority of any other. And the Author of a Pamphlet in defence of this, he calls *a Fool and a Knave.*

In good truth, to use our Author's own Expression, he should never call any Man a Fool or a Knave, but at the same time he should own that he is his Brother. But the Gentleman, the Author of that Pamphlet, deserves no such Epithet; and this Libeller would have done more Service to his Cause to have answer'd that Book, which I suppose to be Dr. *Tindal*'s *Essay concerning the Laws of Nations*, than to rail at the Author in a *Billinsgate* Dialect; but the Party are conscious to themselves that they cannot answer him, and therefore all they can do is to revile him. Or if this huffing Champion think himself fit for the Undertaking, let him answer that one Question, *Pag.* 472. of this Volume; *Why they that seize the Ships and Goods of their Fellow-subjects at Sea, by virtue of the late King's Commission, should not be accounted Pirates, as well as those who should forcibly seize the Goods of their Fellow-subjects at Land by such a Commission should be accounted Robbers?* For if we grant the one, we must necessarily grant the other. But by the way, we have hence some reason to conclude, that the frequent Robberies by which the Publick Roads of the Nation, and other Places, have lately been so much infested, are authoriz'd by the late King's Commission: for the great Numbers of idle debauch'd *Jacobites*, our Author's Fraternity about Town, have been suspected of such Practices a long time; and if they could find any such Counsellors among those who practise in the Common Law, that would undertake to defend them by King *James*'s Commissions, as the others found Advocates among the Civilians, we should doubtless have the late King's Commissions for Robbery on the High-way pleaded at *Westminster-hall* in a little time. The Libeller's Instances of the *French* King's Temperament and Humanity, *Pag.* 9. towards D. *Schomberg*, and others of his natural Subjects who were taken in *Piedmont*, in releasing the Duke, and sending none of the rest neither to the Gibbet nor the Gallies, is nothing to the purpose. They were taken in fair Battel, and neither pilfering on the Seas nor High-ways; and to have dealt otherwise with D. *Schomberg*, might have been of ill Consequence to his own General Officers. At the same time our Author seems very ill acquainted with Genealogies, when he reckons D. *Schomberg* a *Frenchman*. And for the *French* Refugees taken with him, we must have bet-

They are guilty of Piracy who act by K. J's Commission.

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ter Authority than his before we believe that they were not more ſeverely treated. It's very well known how inhumanly they have treated our Priſoners taken at Sea; and that they have condemn'd ſome of the Refugees taken at *Breſt*, which was a more diſhonourable Attempt than to plunder Merchant-Ships: nor are they to be accounted as Traitors who are expell'd the Kingdom, and denied the Privilege of Subjects; but our *Jacobites* have no ſuch Pretence.

Mr. Fleetwood's *Sermon vindicated.*

Page 9. he upbraids Mr. *Fleetwood* with 'Boyiſh Ribaldry, becauſe in a Sermon 'before my Lord-Mayor, he accuſes the *French* King, not only of treating Embaſ-'ſadors villanouſly, but their Maſters, *&c.* There's no body who knows that Gentleman, thinks the Scribler able to teach him Oratory; and the truth of what Mr. *Fleetwood* aſſerted, has been ſufficiently demonſtrated already. However, that *Boyiſh Ribaldry*, as he calls it, is much before his *Billinſgate* Rhetorick with which he attacks the greateſt of Princes, *Pag.* 10. which I come now to conſider.

The violent malice of the Jacobites.

To repeat all the Villain's words, would be certainly as nauſeous to the honeſt Reader, as hateful to my ſelf; and therefore as I have done all along, I ſhall now only conſider the Subſtance of his raſcally Charge, *viz.* 'That there is a Prince in 'the World who hath endeavour'd to advance himſelf by Fraud and Forgery, 'Perfidiouſneſs and Treachery: Who at his firſt ſetting out advanc'd himſelf to 'a high Poſt in his own Country by Perjury, in taking upon him the Office of 'Stadtholder, which he had ſwore he would not take, and by murdering two of the 'beſt Patriots of his Country for oppoſing it: Who while he courted the Daugh-'ter, was undermining the Father, and laying Trains to deprive him of his Birth-'right: Hath ever harbour'd Rebels and Male-contents, to ſet a peaceable King-'dom in a Flame, on purpoſe that he might come and make a Prey of it for him-'ſelf—Who hath ſo little ſenſe of Publick Faith and Solemn Treaties, that when 'he thought he had the Advantage, he actually fought an Army with the Articles 'of Peace in his Pocket.—One that tramples upon all that is Sacred, and the very 'Neck of his Father to obtain a Throne:——One who proves falſe even to his 'Makers and Benefactors; and when he has done his Buſineſs by their Aſſiſtance, 'treads them under foot.——One who is ſo much delighted with Scandals and De-'famations upon Great Princes, that he bribes and hires a Company of foul-'mouth'd Theologues to recreate him once a Week with all the nauſeous Scum and 'Filth they are able to rake together; and then publiſhes it to the Kingdom by 'ſpecial Command.

The King vindicated from the falſe Aſperſions of the Jacobites.

Here the Scribler's Malice is rampant, and ſeems inſpir'd by Hell it ſelf. Nor does this part of his Libel deſerve any other Anſwer, than by the Hand of a Hangman at a Cart's Arſe: However, this black-mouth'd Libeller may take for a Reply, that the Prince of *Orange* did not aſſume the Office of Stadtholder, which his Anceſtors had purchas'd with their Blood, and that he had been ungratefully depriv'd of it during his Nonage by the *De Wits*, until ſuch time as the States had abſolv'd him from his Oath, that he ſhould never take it upon him without their Conſent. That one of the *De Wits* was actually accuſed, and accordingly baniſh'd by the Court of *Holland* for a Deſign on the Prince's Life: But the People thinking this Sentence too mild for ſo horrid a Crime, and being moreover incens'd at the Obſtinacy of the *De Wits* in oppoſing the Advancement of the Prince of *Orange* to the Dignities of his Anceſtors, tho it was the only Mean left then to preſerve their Country, which fell into the hands of the *French* by piece-meal every day, they look'd upon the *De Wits* as Publick Enemies, and did thereupon ſacrifice them to the Publick Revenge: But Malice it ſelf could never faſten the leaſt Suſpicion of the Prince's Concurrence with ſuch an irregular Execution of Juſtice; the whole Tenor of his Life demonſtrates that he was uncapable of ſo much Baſeneſs; nor is it conſiſtent with that Magnanimity which he hath always diſcover'd in the Field, to ſubmit to ſuch an ignominious Method of ridding himſelf of his Enemies. Deſigns of this Nature againſt his Life, have indeed been fix'd on the *French* King and King *James* by *Grandval*'s Trial. But who can ſuſpect a Prince guilty of ſo much Baſeneſs, who hath ſhew'd an Exceſs of Clemency towards Criminals, that have been accus'd of Deſigns againſt his Life and Government, ever ſince he came to the Crown?

If any body ſhould have but ſaid of Col. *Parker* and others, as they walk'd the Streets of *London*; Lo, there's the Ruffians that deſign'd to aſſaſſinate the King: It would have been next to impoſſible to ſave them from the Rabble; and if ſuch a thing ſhould have been done, no body in Juſtice could have charg'd it upon the King.

As to that malicious Charge of 'his laying Trains to deprive the Duke of *York* of 'his Birth-right when he courted his Daughter: It ſmells of ſo much Rancour and Folly, that no Man but ſuch as our Author would have ever ſo much as dreamt of. The Duke had no Crown then to be depriv'd of, nor could any body tell that ever he would. His Brother was as likely to out-live him as otherwiſe; or Queen *Katherine* might have died, and made room for Iſſue by another Wife: And 'tis alſo very well known, that the People of *England* had not at that time any great liking to the Duke's Succeſſion; and the Duke of *Monmouth* was then alive and popular, and might have prov'd a troubleſom Rival. So that if the Prince had laid any Train then, it muſt have been againſt King *Charles*, D. of *York*, and D. of *Monmouth*, all at once; and he ought at the ſame time to have had a good Aſſurance of his Princeſs's Life, on whoſe Title he muſt have founded his Claim. Of the ſame ſort is that other Charge of 'his harbouring Rebels and Male-contents to ſet a 'peaceable Kingdom on a Flame, that he might make a Prey of it for himſelf. Certainly he did not adviſe the late King to ſet Popiſh Officers over his Army, and take Jeſuits into the Council whether his Parliament would or no; nor yet to ſeize any of the Colleges for the uſe of the Roman Catholicks: Much leſs to grant an illegal Toleration by diſpenſing with the Laws, and impriſon the Biſhops for petitioning againſt it; and leaſt of all, to endeavour the impoſition of a counterfeit Prince upon the Nations, ſo to deprive him and his Princeſs of their due Right of Succeſſion. Nor, in a word, did he adviſe him to any of thoſe Grievances which the Convention complain'd of in the Claim of Right: and every body knows, that thoſe were the Things that ſet the Nation in a Flame, and not the Prince's entertaining any of thoſe that fled over to *Holland* from the Anger of the Court, becauſe of their oppoſition to ſuch Practices.

Pr. of O. no breaker of Treaties.

Then for 'his Violation of ſolemn Treaties, by fighting when he thought he had 'an Advantage, tho he had the Articles at the ſame time in his Pocket. The Libeller has nothing for this but common Fame; but the Baron *de Maurier*, who hath writ an Account of his Life, amongſt thoſe of the other Princes of *Orange*, and brought it down to that Period, ſays in plain Terms, 'That the Prince having ob-'lig'd the Duke of *Luxemburgh* to retire, was conſulting how to throw Succours 'into *Mons*, when word was brought him that the King of *France* and the States 'General had accommodated all Differences. So that the Prince had fought the Duke before he had the News, according to this Account; and the Treaty betwixt *France* and *Spain* was ſign'd on the 17*th* of *September*, but after the News of this Battel. Nor have we any reaſon to think that the Baron, who was a *Frenchman* and *Roman* Catholick, would be too partial in favour of the Prince, eſpecially if ſuch a thing could have been juſtly charg'd upon him. But ſuppoſe it had been ſo, the Prince's Authority as Stadtholder, his Intereſt in the Provinces, where in ſome places he is abſolute Sovereign, and the Confederacy would carry him beyond the reach of this malicious Imputation; for if the *Dutch* were baſe or unjuſt to patch up a Peace without including their Allies, it ſets off his Magnanimity and Juſtice with the greater Luſtre, that he ſhew'd his Averſion to conſent to it till the reſt of the Allies did.

As for 'his trampling upon all that's Sacred, and the very Neck of his Father, 'to obtain a Throne: The Author does manifeſtly declare War againſt all that's Sacred by ſaying ſo. Enough has been ſaid already to juſtify his Proceedings in relation to his Father: and the World knows, that he was invited to the Reſcue of our Liberties and Religion; and was ſo far from uſurping the Crown, that it was the Peoples Free-gift when his Father had both deſerted and forfeited his Right to it.

Vindicated from Ingratitude.

The next part of the Charge is, 'That he proves falſe even to his Makers and 'Benefactors; and when he has done his Buſineſs by their Aſſiſtance, treads them 'under-foot. What this Scribler means by his Makers and Benefactors, we are not ſollicitous to enquire; but the People of *England* are far from thinking that he treads them under-foot, their Privileges being better ſecur'd in his Reign, than in any ſince Queen *Elizabeth*'s Time. And as for the invidious Inſtance alledg'd by this Author, he may in his next pitch upon one more proper if he can: for no body will blame his Majeſty if he prefer Men according to their Merit, and paſs over ſuch as have not perſevered in their Loyalty, but taken Meaſures contrary to his Intereſt. But one would think that this malicious Pamphleteer might have forborn this Reflection, and not upbraided his Majeſty with his exuberant Clemency towards

wards his Enemies; which is the only thing in his Adminiſtration that ever his Friends conceiv'd any Diſpleaſure at.

Preachers before the King vindicated.

Then as to 'his hiring and bribing foul-mouth'd Theologues, to recreate him 'once a Week with Scandals and Defamations upon Great Princes. 'Tis only the Froth of this Villain's Malice; the harſheſt Character that any of our Divines have given the *French* Tyrant, may be ſufficiently juſtify'd from his Practice. And as to his ſlovenly Reflection on his Majeſty, for ordering ſuch Sermons to be publiſh'd by his Special Command, as diſplay the *French* King's Tyranny, and juſtify the War againſt him: He might have remembred a Time when King *Charles* the Second countenanc'd a ſevere Libel againſt the *French* King, call'd *Chriſtianiſſimus Chriſtidandus:* Nor is it any unuſual thing for Princes to countenance the Defence of their own Cauſe, either from the Pulpit or the Preſs. And tho there's nothing ſaid of the *French* King in any of thoſe Sermons that the Libeller quarrels at, but what is known to be Truth, and agreeable enough to the Rules of Decorum; yet if it had been otherwiſe, his Majeſty might have as well been juſtify'd to countenance that, as *Lewis* the Fourteenth can be to have countenanc'd thoſe barbarous Rejoicings which were made all over his Dominions, upon the falſe Report of K. *William*'s being kill'd in *Ireland.*

Further Vindication of ABp Tillotſon.

Our Author is very angry at the late Arch-biſhop, becauſe he upbraids the *Jacobites, that they cannot ſee Providence, and the Arm of the Lord,* which hath been made bare amongſt us of late; and that he tells them likewiſe of the *Smallneſs of their Numbers:* And thinks it a ſufficient Confutation to tell him, that to argue from Proſperity and Succeſs, is a *Turkiſh* Argument; but never conſiders at the ſame time, that it is the great Argument made uſe of by *Lewis* XIV. in all his Romantick Proemiums to the Orders which he iſſues to the Arch-biſhop of *Paris* for *Te Deum*, upon any Proſperity which attends him. But to come nearer our Author; It may very well paſs for a Sign of Judicial Blindneſs, amongſt any who call themſelves *Proteſtants* at leaſt, to be ingag'd in the Intereſt of the *French* King, the ſworn Enemy of our Religon, who hath evidenc'd a greater degree of Hatred againſt it, and hath been more aſſiduous in his Endeavours to root it out, than any Prince in *Europe* ſince the Reformation. Nor is it a leſs Evidence of Blindneſs for any who are of the Reformed Religion, to ſhow themſelves zealous in their Wiſhes, or earneſt in their Endeavours for the Re-eſtabliſhment of the late King; who when a Subject did diſcover ſo much implacable Rage againſt thoſe who were either Patriots of our Civil Liberties, or zealous Aſſertors of our Religion; that he left no Means unattempted to accompliſh their Ruin, nay, appear'd to be the Head of a moſt horrid Plot againſt our Laws and Religion; and when advanc'd to the Throne, prov'd the moſt ungrateful of all Men alive to the Church of *England*, who had rais'd him to that Dignity; inſomuch that, contrary to his repeated Promiſes and Coronation-Oath, he went directly about to overturn her, and did by his pretended abſolute Authority, cancel and annul all the Laws eſtabliſhing the Proteſtant Religion in our neighbouring Kingdom of *Scotland*, as he did by his Diſpenſing Power render the Laws ineffectual for preſerving it in *England*; and by putting the Government in the hands of Papiſts, endanger the total Subverſion thereof in *Ireland.* But the blindneſs of ſuch Men will ſtill appear to be greater in wiſhing and endeavouring his Return, when at the very laſt he witneſſed ſuch an implacable Hatred of our Religion, that rather than fail of Means to effect its Ruin, he would give way to the unnatural Impoſture of a ſuppoſititious Prince, who might be bred in the *Roman* Idolatry, to hinder his own Proteſtant Children from coming to the Crown. But that which ſpeaks them to be ſtill more blind, is, that they endeavour his Reſtitution by the Arms of the *French* King; which muſt be unavoidably attended with the Ruin of our Nation and Religion, that Prince being an irreconcilable Enemy to both.

Providence vindicated.

And that the Arm of the Lord was made bare amongſt us in the late Revolution, can admit of no diſpute with thoſe who are not reſolv'd to ſhut their Eyes: for who can reflect without wonder upon the ſignal Appearances of God at that Juncture, when nothing but imminent Ruin appear'd to threaten our Religion on all hands, when *Lewis* the XIV. and *James* II. its two moſt irreconcilable Enemies, ſeem'd to be cloth'd with ſo much Power, as there was no poſſibility to reſiſt them? And yet when there was no viſible ſtrength left, that God ſhould raiſe up a Prince related to them both, and the Repreſentative of a Family that had been made uſe of to put a ſtop to the impetuous Current of Popery and Slavery in the preceding Age, to overturn their Deſigns with a handful of Men, and land in *England* on

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that very day whereon we had about fourſcore Years before been deliver'd from the *Gunpowder-Treaſon*, and in a Revolution of time of the ſame Denomination with that wherein we had been deliver'd from the *Spaniſh Invaſion*. Then if we conſider what was the poſture of Affairs at home, Proteſtants divided amongſt themſelves, King *James* at the Head of a numerous and well-appointed Army, with his *Iriſh* Regiments in whom he put ſo much Confidence, and not one to move a Hand againſt him, that God ſhould all of a ſudden inſpire the Nation to riſe up in Oppoſition to him, tho the Doctrine of Paſſive Obedience had been inculcated upon them as a Point to be believ'd on pain of Damnation for thirty Years before; certainly theſe are Providences ſo remarkable, that Heav'n it ſelf ſeems to point them out to our Obſervation. Nor were the Revolution in *Scotland*, and the Recovery of *Ireland* leſs to be taken notice of: nor can we overlook the *French* King's being ſo much infatuated in his Meaſures and Counſels, that inſtead of invading the *Netherlands*, to prevent the Prince of *Orange*'s Deſcent, he ſhould fall upon the *Palatinate*; and inſtead of ſupporting the *Scotiſh* Rebellion, which might have prov'd very dangerous, as being upon the *Terra firma*, where our Malecontents could eaſily have join'd them, he ſhould have ſpent ſo much Blood and Treaſure in *Ireland* to ſo little purpoſe.

The late Queen vindicated.

The Libeller's Obſervations of the Queen's being taken ſick and dying in that ſame Month when her Father labour'd under an unnatural Rebellion, and about that ſame Hour that he went from *Feverſham*, and her being cut off in the midſt of her Days according to the Puniſhment threaten'd to the Breakers of the fifth Commandment, are ſo very forc'd and uncharitable, that they cannot be entertain'd by any but thoſe of an over-grown Malice like himſelf.

The Prince landed in *England* on the 5*th* of *November*; her Majeſty did not ſicken till about the 20*th* of *December*: And as for her dying in a Month wherein her Father labour'd under an unnatural Rebellion, the Libeller might have ſaid ſo whatever Month ſhe had died in; for, according to his Principles, the Rebellion muſt continue ſtill, or did at leaſt continue until *Scotland* and *Ireland* were reduc'd. And as for her lying in State in *February*, the Month wherein ſhe was proclaim'd, it's no more to his purpoſe than if it had been in any other Month of her Reign; as that when the late King was defeated at the *Boyne*, or the *French* Fleet burnt at *La Hogue*. The Libeller may alſo remember, that ſhe lay in State ſome part of *March*; ſo that he muſt likewiſe find out ſome Obſervation for that. And as for her being cut off in the midſt of her Days, there's much more reaſon, and it were far more Chriſtian to ſay that ſhe was cut off for our Sins, and taken away from the Evil to come; and that as the Almighty gave us the Father in his Anger, he took the Daughter away from us in his Wrath; than to charge a Perſonage of her Piety and Vertue with ſuch an uncharitable Imputation as a Breach of the 5*th* Commandment: eſpecially conſidering that ſhe ow'd more to her Religion and Country, in defence whereof ſhe took the Crown, than to her Father, tho ever ſo kind, and much more than to a Father who made ſo much haſt to deſtroy both our Religion and Property, and to intail Idolatry and Slavery upon us; who became ſo unnatural as to concur with the Impoſition of a Counterfeit Child, to deprive that excellent Princeſs and her Siſter of their Right.

Further Vindication of the Archbiſhop's Sermon.

He is angry with the Biſhop, *Pag.* 11. for ſaying, that 'if the neceſſary Defence 'of the true Religion, againſt an idolatrous and falſe one, be a good Cauſe, then 'ours is ſo. And this he calls *Alcoran* all over, to talk of propagating Religion 'by the Sword. And adds, *Pag.* 12. that God never gave Authority to a Fo'reigner, eſpecially one that was no Sovereign Prince, to call another Prince to an 'account for his Religion, much leſs to make War upon him on that account; and 'that neither God, nor our Laws, ever gave Subjects the Power of the Sword to 'defend themſelves and their Religion by Arms, and down-right Rebellion. Our Author's Head is ſo full of malicious Vapours, that he cannot diſtinguiſh betwixt defending of Religion when it is eſtabliſh'd by the Laws of the Land, and propagating Religion by Arms: But does not he know that the God of his Party, *Lewis* XIV. deſtroys the Proteſtant, and propagates the Popiſh Religion by force of Arms every day as far as he can; and not only ſo, but joins with the Turks to aſſiſt them to propagate their *Alcoran* by the ſame Methods? Or does he not remember that his own Party were for propagating the Religion of the Church of *England* upon that of *Scotland*, in King *Charles* the Firſt's time, by force of Arms? and upon their Neighbors in *England* by force of Fines, Jails, and Death it ſelf in ſome Caſes? Certainly if he had reflected upon theſe things, he would have let this part of his Charge alone.

In

In the next place he may take notice, that the Prince of *Orange* is a Sovereign Prince; and being Son and Husband to an *Engliſh* Princeſs, and thereby having a Title to the Crown, can ſcarcely well be accounted a Foreigner: and that he came not to call his Father to an account, nor to make War upon him for his Religion, but to preſerve our Religion and Liberties, and his own and his Wife's Title to the Crown. And as for the Lawfulneſs of the Peoples Concurrence with him in that Deſign to which they had invited him, he ought to have anſwer'd the Treatiſes writ in defence of their Practice, before he had taken upon him ſo magiſterially to call it a Rebellion. And as for his Argument, *Of our Saviour and the Apoſtles enjoining Obedience to the Powers of their times, tho neither their Title or Adminiſtration could be juſtify'd in all reſpects*; he had beſt take care that he don't thereby ſupport Dr. *Sherlock*'s Hypotheſis, for a Providential Title: for whatever way Princes come by the Sovereignty, if once the People ſubmit generally to their Government, it will put our Author hard to it to prove that the Subjects ought to deny Obedience to their lawful Commands. But he may be pleas'd to take notice of this Difference betwixt our Caſe and that of the Chriſtians in thoſe times, that our Religion is eſtabliſh'd by the Laws of the Land; according to which our Princes are ſworn to govern, and the People the like to obey: So that if the Prince violate his part of the Compact, and endeavour a Subverſion of our Laws and Religion, the Queſtion is, Whether he does not thereby abſolve the People from their Allegiance to him, if either they or their Repreſentatives find themſelves under a neceſſity to aſſert their Liberties? But there was no ſuch Settlement of the Chriſtian Religion in the primitive Times, it being no where the national Profeſſion; nor were their Princes under any Obligation to the People to maintain it.

The King vindicated.

The Libeller is very angry, *Pag.* 13. becauſe the late Archbiſhop ſaid in his Sermon, 'That many among us have made the moſt unworthy and unthankful Re-'turns to his Majeſty that ever were made to ſo great a Benefactor; and asks ſcof-'fingly, Whether the Jacobites ſhould be thankful for being turn'd out of their Pla-'ces? And inſtances in Archbiſhop *Sancroft*.——If this Man had the free Exerciſe of his Reaſon, he would find that the Jacobite Clergy at leaſt owe the loſs of their Benefices wholly to themſelves, becauſe of their diſowning his Majeſty's Title; and that no body can blame a Government for turning out ſuch, as having the Conduct of the Peoples Conſciences, muſt needs, if they purſue their own Principles, influence them to Rebellion: and that there are too many among us guilty of unworthy Returns to ſo great a Benefactor, is but too evident as to the Non-jurant Biſhops, ſome of whom having not only concur'd, but being among the principal Inſtruments of the new Revolution, it was the height of Ingratitude to turn their backs upon a Prince who had ſo gloriouſly reſcu'd that Church, for which they valu'd themſelves as Confeſſors, when they ſuffer'd for petitioning King *James*, or any other oppoſition to the Methods of thoſe times: and that too many others, who call themſelves Proteſtants, and do even comply with the Government, have been manifeſtly ungrateful to a Prince who risk'd his All to ſave their Religion and Liberties, is but too apparent.

Further Vindication of the Archbiſhop's Sermon, and the Family of Naſſau.

P. 14. His Choler boils over againſt the Family of *Naſſau*, and the late Archbiſhop for ſaying, *That there never was a Family on Earth ſo much honour'd, to give a Check to all the aſpiring Monarchs of the* Weſt, *and bold Attempters upon the Liberties of* Europe; *as if the Princes of this valiant and victorious Line, had been of the Race of* Hercules, *born to reſcue Mankind from Oppreſſion, and to quell Monſters.* This is ſo very bitter to our Author, that it makes him vomit his Gall, and he will have this Family to be ſo far from quelling, that it breeds Monſters; and pretends that what the Archbiſhop had ſaid of this Family, derogates from Queen *Elizabeth*; and that it would have been truer if the Archbiſhop had ſaid, *That they had been concern'd in all the Revolutions of* Europe, *and ſometimes fought, and ſometimes fled, as they found Occaſion.* This Libeller having declar'd open War againſt Senſe and Reaſon, is prepar'd to take a Doſe of Tranſubſtantiation. Did not *William* Prince of *Orange* oppoſe the Tyranny of the *Spaniards* in the *Netherlands*, long before he had any Aſſiſtance from Queen *Elizabeth*; and ſhould he not, as the firſt Inſtrument, have the chief Glory? Or becauſe the Biſhop gave what was due to this Prince, than whom all Antiquity can't produce a greater Hero, muſt he needs rob Queen *Elizabeth* of hers? Is it any Diminution to the Honour of this Prince, or the States, that they were brought under by Oppreſſion; or does it not rather heighten their Fame, and eternize their Courage, that they ſhould in ſuch low Circumſtances have adventur'd to oppoſe the Tyranny of the greateſt Monarch in *Europe?* And does not this

this Libeller know, that the *Dutch*'s blocking up the mouth of the *Scheld* with their Men of War, and preventing the Prince of *Parma*'s invading of *England* in concert with the invincible *Armado*, contributed not a little to the Ruin of the *Spaniard?* Let him instance ſo many Champions for the Liberty of *Europe* and the Proteſtant Religion in any Family of *Europe*, as this of *Naſſau* has produc'd, if he can; and then, and not till then, ought he to upbraid the Archbiſhop for ſaying ſo. As to his villanous Reflection of this Family's having rather bred than quell'd Monſters, that glorious Prince, whom this foul-mouth'd Libeller would hereby calumniate, will be celebrated as an Hero in the Records of Fame, when the Memory of this Varlet, and thoſe whoſe Cauſe he maintains, will juſtly intitle them to the odious Character of the worſt of Monſters: And as for the Valor of this Family, which he does ſo impudently reflect upon, all the Hiſtories of *Europe* do give him the lye—— And whereas he ſays, That this Family hath not yet quell'd the *French* King; he may take for anſwer, That they are in a fair way towards it, he hath been brought to ſue for a Peace oftner than once; he is forc'd to draw his Fleet behind Barricado's, and his Armies under the Protection of Lines, while his Sea-Towns have been bombarded, and he could not prevent it, and his Reputation amongſt his Neighbours declines every day, ſo that our Libeller and his Faction may perhaps ſee him quell'd ſooner than they are aware.

The late Q. and ABp vindicated againſt the Railing of the Jacobites.

The Remainder of his Venom is ſpent againſt the late Queen of bleſſed Memory, and the late Archbiſhop: The Sum of the Libel is, *That he does not call the late Queen's Vertue in queſtion, but whether ſhe was a lawful Queen; that none of the Divines ſay any thing to prove the Lawfulneſs of being a King and Queen* de facto, *but plead only for the Lawfulneſs of obeying ſuch; that by this time all the World is ſatisfied as to the Legitimacy of the Prince of* Wales; *that if the matter had been juſt, there had been no need of the Queen's being thruſt into the Throne,* as Dr. *Sherlock* ſays, *nor griev'd at the occaſion of taking the Government, and glad at reſigning it.——That it is not lawful for Children to ſeize the Inheritance of another Prince, thruſt their Parents from the Throne, and ſtigmatize an Infant Prince, contrary to their own Knowledg, as ſuppoſititious.—— That the Doctor's ſaying, ſhe was willing to hazard her good Name in the World to preſerve her Country and Religion, ſhews that the thing was not very reputable.——That thoſe who have preach'd her Funeral Sermons, don't give us her death-bed Sentiments of that Affair, but do induſtriouſly conceal them.*

We are glad that Malice it ſelf can fix no blot on the Queen's Vertue; had ſuch a thing been poſſible, this Libeller would certainly have done it, for the Devil himſelf, who is call'd the Accuſer of the Brethren by way of Eminence, is not more malicious than he. But methinks it ſavours ſomething of a Contradiction, to grant the Queen to be vertuous, and at the ſame time to accuſe her of thruſting her Father unjuſtly from the Throne, ſeizing on her Brother's Inheritance, and ſtigmatizing him as ſuppoſititious, contrary to her own knowledg. But to come to the Particulars of the Libel: The Author may deny, and we may aſſert her to have been a lawful Queen *in infinitum*, without ever coming to any iſſue, except we examine the Arguments *pro* and *con* impartially; and ſeeing they who hold the Affirmative, ought to make the proof, we refer him to the *Bibliotheca Politica*, and other Treatiſes upon this Subject; and until he can anſwer what is alledg'd on our ſide for the Lawfulneſs of the preſent Government, he may forbear his Invectives againſt it: for it does not import, whether the Lawfulneſs of the ſame be prov'd by Clergymen or others, ſo it be but prov'd. ——*As to all the World's being ſatisfied in the Legitimacy of the Prince of* Wales, *and the King and Queen ſtigmatizing him as ſuppoſititious contrary to their own knowledg,*——The Propoſitions contain ſo much Falſhood and Malice, that they can ſcarcely be outdone by him who was the Father of Lies, and a Murderer from the beginning. Does our Author think that thoſe fulſom Depoſitions after the Prince of *Orange*'s Deſign was known, have convinc'd the World of that pretended Prince's Legitimacy; or does he think, that ſuch Evidence as that, part whereof may be very conſiſtent with an Impoſture, and the other part ſworn by ſuch as had their dependance on the late King, and were known to have proſtituted their Conſciences to the Court, is ſufficient to ſatisfy the World? What account can our Author give, that there was not as much pains taken to ſatisfy the World of the Queen's Pregnancy and Birth, when if it had been real, it might have been uncontrovertably prov'd by unexceptionable Evidence, as there was to prove the Birth afterwards? Would it have been any thing more inconſiſtent with Majeſty to have condeſcended to give ſatisfying Evidence of a thing that was ſo vehemently ſuſpected beforehand, than to ſubmit to give unſatisfactory

The late Q. a lawful Q.

Reflections on the Birth of the pret. P. of W.

ſatisfactory and exceptionable Proof of it afterwards?—Suppoſe the Queen's Pride would not give way to it, was ſhe not a Subject that could have been commanded by the King her Husband? Or if he had been loth to thwart her in that Condition, might he not have had ſuch Evidence preſent at the time of her Labour, without her previous Knowledg, as the Nation would have given credit to? Would it have been any thing more derogatory from her Modeſty to have been brought to bed before ſuch Evidences as theſe, than it was for an Empreſs to be deliver'd on a Stage in the middle of a Camp, becauſe her Pregnancy was ſuſpected on account of her Years? What Reaſon can our Author aſſign, why the Examination of that Affair was not ſubmitted to the Parliament, as the Prince of *Orange* deſir'd? Why the two Ladies, appointed to be Witneſſes of the Birth by the Princeſs of *Denmark*, ſhould not have been ſent for till the time was paſt? Why the pretended Evidence, who were moſt particular, ſhould have been carried into *France*, out of the reach of Examination? How can this Libeller ſay, that the Princeſs did ſtigmatize her Brother as ſuppoſititious, contrary to her own Knowledg? Was ſhe preſent at the Delivery, or had ſhe any Deputies preſent for her? Did this Author never read of Queen *Mary*'s Deſign to impoſe upon the Nation in like manner, and on the ſame account, *viz.* to entail Popery upon us? And why ſhould we think that *Mary* of *Modena* was leſs zealous for her Religion than *Mary Tudor*? Is there not a Cheat of the ſame nature, and manag'd in the ſame manner, mention'd in *Siderfin*'s Reports, *Temp. Car.* 2. *fol.* 377. of a Woman pretended to be deliver'd within bed by a Midwife, and yet the Impoſture diſcover'd afterwards by the Depoſition of the real Mother and the ſaid Midwife? Now what can our Author ſay in oppoſition to thoſe Preſumptions of a Cheat, and why the Prince and Princeſs of *Orange* ought not to have been ſatisfied as to their Scruples about it; but inſtead of that, that the principal Evidence ſhould be carried whither there cannot be any acceſs to examine them? The chief thing they have to ſay, is the late King's own Evidence; but beſides that, he cannot be look'd upon as impartial in the caſe. Why ſhould we think that the Church of *Rome*, that could diſpenſe with his Coronation-Oath, by which he was oblig'd to govern according to Law, and preſerve the Church of *England*, whereas he did plainly attempt the Subverſion of both; I ſay, why might not the Church of *Rome* as well diſpenſe with him to ſwear falſly in this caſe, as to break his Oath in the other, ſeeing both were for the advantage of the Catholick Cauſe, and yet that bigotted Prince might think he was doing God good Service all the while? For it's very well known, that the Breach of Faith, and the moſt barbarous Murders and Maſſacres are eſteem'd hallow'd means by the Church of *Rome* to accompliſh her wicked Ends. No body can doubt this, who has ever ſeen the Pope's Chappel, where the *French* Maſſacre was repreſented, and the Admiral thrown out at the Window with theſe words at bottom, *Pontifex Colinii necem probat:* And indeed the Preſent to the Lady of *Loretto* by the Queen's Mother, and the King's Pilgrimage to St. *Winifred*'s Well, to uſher in this Pregnancy, gives the face of aſtudied Popiſh Cheat to the whole Affair.

That the Queen's being ſorry at the occaſion of taking the Government, and glad at reſigning it, diſcovers any uneaſineſs of Mind as to the Lawfulneſs of what ſhe did, is a very wild Inference. She was no doubt, and might be griev'd at her Father's Unhappineſs in forfeiting his Throne, and yet think it lawful enough for her (tho at the ſame time unwillingly) to accept it for the Security of her Country and the Proteſtant Religion; and ſhe might be ſorry at the occaſion of her entring upon the Adminiſtration from time to time, which was the King her Husband's going beyond the Sea to hazard his Life, and glad to reſign it to him again, when he return'd ſafe from ſuch eminent Dangers, without finding her Conſcience uneaſy for ſwaying the Scepter that had been her Father's.—Nor does her hazarding her good Name in the World infer Guilt, or the engaging in an Affair that was not reputable, any more than the Apoſtle's reſolving to follow Chriſt thro good Report and bad Report, infers, That to be a Chriſtian was not reputable, becauſe ſome Men thought ſo.—That thoſe who have preach'd Funeral Sermons on the occaſion of her Death, do induſtriouſly conceal her Death-bed Sentiments, as to her taking her Father's Crown, is a groundleſs and malicious Forgery. It is very well known, and the Biſhop of *Salisbury* in his Eſſay on her Memory, hath now printed it, *That ſhe weigh'd the Reaſons ſhe went on in that Affair with a Caution and Exactneſs that became the importance of them.——She had generous Notions of the true End of Government, and thought it was deſign'd to make Mankind ſafe and happy, and not to raiſe the Power of thoſe, into whoſe hands it was committed, upon the Ruins of Property and Liberty: Nor* Bp of Sarum's *Character of the late Q.*

could ſhe think that Religion was to be deliver'd up to the Humors of miſguided Princes.—— Yet after all, her Inclinations lay ſo ſtrong to a Duty that Nature had put her under, that ſhe made a Sacrifice of her ſelf in accepting that high Elevation, that perhaps was harder to her to bear, than if ſhe had been to be made a Sacrifice in the ſevereſt ſenſe; ſhe ſaw that not only her own Reputation might ſuffer by it, but that Religion too might be concern'd in thoſe Reproaches that ſhe was to look for.——But that being the only viſible Means left to preſerve the Proteſtant Religion, not only here, but every where elſe, ſhe was thereby determin'd to it. So all this being conſider'd, there's no reaſon to think that her Conſcience ſhould accuſe her on her Death-bed, for doing that which ſhe found her ſelf oblig'd to by its own Dictates, after a cautious and exact Enquiry into the Affair.

I had almoſt forgot to take notice of one raſcally Inſinuation of the Author's, *viz.* That *the Preachers had ſecret Inſtructions from Court, to repreſent the Throne to have been ſo uneaſy to the Queen, that the Princeſs of* Denmark *might be thereby deter'd from purſuing her Claim.* This is all of a piece, and a Forgery that is not ſo much deſign'd to ſerve the Princeſs of *Denmark*, as to ſtir up Miſchief and Sedition: But this malicious Scribler may take notice, that the Princeſs of *Denmark* was precluded as to her Claim during the King's Life by an Authority, that as they had a Right, were both willing and able to juſtify his Title againſt all Enemies at home and abroad; ſo that there was no need for his Majeſty to have recourſe to ſuch ſilly Methods as could never enter into the Head of any man, except ſuch a mean-ſpirited Fellow as this Libeller doth evidence himſelf to be.

The Subſtance of the Jacobites *Letter to the preſent ABp.*

There's another Pamphlet in form of a Letter to the preſent Archbiſhop of *Canterbury*; the principal Scope whereof is to libel him for not endeavouring to make the Queen ſenſible at her death of the Injury which the Author alledges ſhe had done to her Father and Brother. The Stile of it is indeed much modeſter than that I have juſt now diſpatch'd, but the Deſign is the ſame; and tho the Voice be *Jacob*'s, the Hands are *Eſau*'s. We have already ſeen how little reaſon there was to inſiſt upon that Subject to the Queen, who had ſo deliberately weigh'd, and was ſo fully ſatisfy'd as to what ſhe had done: Nor can there be a Cauſe aſſign'd, why any ſuch thing ſhould have been expected of the Archbiſhop, whoſe Poſt declares him not to be of the late Archbiſhop *Sancroft*'s Principles, to diſown the preſent Government; and therefore it was highly unreaſonable to expect of him, that he ſhould go about to inſtil Principles into the Queen which he does not maintain himſelf. There's one Topick which all theſe Pamphlets inſiſt mightily upon, *viz.* That ſuch and ſuch Men have formerly writ and preach'd contrary to the Principles and Practices which they now own; as if it were altogether unlawful for a Man to change his mind, or yield to the force of Argument. Did not St. *Auguſtin* write a Book of Retractations? And is it not known, that both General and Particular Councils, and whole National Churches have been miſtaken in Points now and then? And is it impoſſible for a Part or Party of the Church of *England* to be in a miſtake, that they make ſuch a noiſe with their *Argumentum ad hominem*? But the Caſe is plain: The Author of that Letter could never think that the Archbiſhop would be convinc'd by his Oratory without any Arguments; and therefore ſeeing that he could have no proſpect of convincing him by that method, we have reaſon to conjecture, that the principal Deſign of that Pamphlet was to faſten a Calumny upon him, and therefore deſerves no regard.

A DISCOURSE about raiſing Men;

Printed in 1696.

In which is ſhewed,

That it is more for the Intereſt of the Nation that the Pariſhes ſhould be oblig'd by Law to provide Men for the Service of the War, than to continue to raiſe 'em in the ordinary Way: And all Objections are anſwer'd; and particularly that Popular one, viz.

That this way of raiſing Men is a Violation of Liberty and Property.

THE Continuance of the preſent War with *France* ſo many Years, has made it very difficult, and almoſt impoſſible for the Officers of the Army to raiſe Recruits, and forc'd 'em upon thoſe illegal Methods which have been ſo much complain'd of, and which they were as unwilling to make uſe of as the Nation to bear; for if we conſider the vaſt Trouble and Charge they are put to, to get Men, 'tis certainly their Intereſt, as well as the Publick's, that Recruits ſhould be provided by Publick Authority for his Majeſty's Service, and the Country be oblig'd by Act of Parliament, to furniſh the Bodies of Men, as well as Mony, for the carrying on the War. It cannot be deny'd, but great Diſorders have been committed in raiſing of Recruits; Men have been trepan'd and forc'd away in a very illegal manner, and often too ſuch that were ſober and induſtrious, Men of Trades and Callings, that were uſeful and neceſſary where they liv'd, and taken away with as much grief to their Neighbours, as idle and diſorderly People were left behind. Theſe are, no doubt, great Grievances, and as prejudicial to the Nation as they are illegal: But how ſhall they be prevented? Men are not to be had without Tricks and Force, nor, as matters now ſtand, have the Officers, if they were ever ſo willing to do it, any power to pick and chuſe, and diſtinguiſh who are fit to be taken and who not, but muſt take whom they can get, fit or unfit. This is the true ſtate of the Caſe, and therefore ſince Men muſt be had, and no War can be carry'd on without the Bodies of Men any more than without Mony, what is now done by Force, and is therefore illegal, ought to be done by Law: And what is now done in a careleſs, looſe, undiſtinguiſhing manner, and is therefore hurtful to the Nation, ought to be regulated, and put into ſuch a method, that the Choice of Men for Recruits might fall wholly upon idle diſorderly Perſons, of whom there are more than enough in the whole Kingdom to recruit the Army every year, as long as the War ſhall laſt. If the raiſing Recruits were manag'd in this manner, it would not only be no Prejudice, but a great Advantage to the Nation, and have the ſame good effect upon it that Phyſick has upon the Body, when it carries off its ill Humors. If all the Pariſhes in *England* were oblig'd by a Law to furniſh Men, the Army would be much better recruited, his Majeſty's Service better perform'd, the Charge of raiſing Men, which is now very great, and lies very heavy upon the Officers, would be much leſſen'd, all the Diſorders and Abuſes, committed hitherto by the Officers in raiſing of Men, would be wholly prevented, the Pariſhes themſelves freed from ſeveral idle and diſorderly People that are a Burden to 'em, the

Difficulty of raiſing of Men.

How Diſorders are to be remedy'd.

Pariſhes to furniſh men.

Juſtices of the Peace eas'd of the trouble of committing 'em, and the Goals and Houſes of Correction of keeping and puniſhing 'em, In ſhort, it ſeems upon all accounts to be very much for the Intereſt both of the Army and Nation, that this way of raiſing Men ſhould be made uſe of rather than the ordinary Method, which is ſo very chargeable, has been ſo much abus'd, and is now become ſcarce practicable any longer, at leaſt not without being ſtill ſubject to thoſe Abuſes which have given occaſion already to too many, and too juſt Complaints, to be any longer ſuffer'd. Whereas the way here propos'd, if it were ſettled by Act of Parliament, does eaſily and effectually remedy all thoſe Inconveniences; and which ever way 'tis conſider'd, has ſo many Advantages in it in all reſpects, that next to the Acts for raiſing of Mony, no Law can be more for the Publick Good, nor more indiſpenſably neceſſary in the preſent Conjuncture of this War: but how neceſſary ſoever, or how much ſoever for the Publick Good ſuch a Law may ſeem to me to be, others are of another Opinion, and I have heard ſeveral plauſible Objections made againſt it; which I will endeavour to anſwer.

Ordinary way abuſed.

'Tis objected againſt this way of raiſing Men,

I. *That 'tis Impracticable.*
II. *That 'tis ſubject to great Abuſes in the Execution.*
III. *That it would carry too many Men away out of the Country.*
IV. *That it would make the Officers careleſs of their Men.*
V. *That 'tis a new thing; and we do not care for Novelties in* England.
VI. *That 'tis a Breach of our Liberties and Properties, a violation of the Freedom of the* Engliſh *Nation, one of the Arbitrary Methods of the King of* France, *which 'tis not fit to imitate in* England.

I am ſenſible the Reader may think ſome of theſe Objections too weak to be taken notice of; but he may be pleas'd to conſider, That weak Reaſons carry away weak People, which are often the Majority in the World, and are therefore worth diſabuſing.

The Firſt Objection is, *That 'tis impracticable.*

The Method propoſed practicable.

But why it ſhould be ſo I cannot conceive: Why may not the King be empower'd by Act of Parliament, whenever he wants Men, to ſend an Order by the Sheriff to every Pariſh, to aſſemble together, as they do when they aſſeſs Pariſh-Duties, and with the aſſiſtance of one or two of the neighbouring Juſtices of Peace chuſe ſuch a Perſon by the Majority of Voices, as ſhall be qualify'd according to the Act of Parliament, and ſend the Conſtable to ſeize him and bring him before 'em; and having given him the Oath of Fidelity, ſend the Conſtable immediately away with him to the County-Town, to deliver him into the hands of ſuch Officers of the Army as his Majeſty ſhall ſend thither to receive and take care of all the Recruits that are rais'd in that Country? All this ſeems to me to be very practicable, and as eaſy as the appointing Commiſſioners and Receivers in every County for the raiſing the Land-Tax.

Abuſes prevented.

The Second Objection is, *That this way of raiſing Men is ſubject to great Abuſes in the Execution. If the choice of Men for Recruits be left to the Pariſhes, they will no more mind than the Officers do who can beſt be ſpared out of the Country and who not, but will chuſe any body they bear an ill will to, or that has the feweſt Friends among them, or perhaps the leaſt Mony to make Friends: there are generally* one *or* two *leading Men in every Pariſh who govern all the reſt, and make 'em do whatever they have a mind when they meet together about any Buſineſs; and whomever theſe Men have any ſpite againſt or difference with, they will be ſure to make the Choice fall upon them, and pack 'em away to* Flanders: *ſo that there will be as great Abuſes committed, if the Pariſhes chuſe Men, as when it was left to the Officers to take whom they could get.*

In anſwer to this, I muſt confeſs 'tis true, and 'tis pity it is ſo, that all Aſſemblies of Men, from the higheſt to the loweſt, are more or leſs ſubject to Partiality and Corruption; but the ill Effects of 'em may be in a great meaſure, if not wholly prevented in this Caſe, by theſe or ſuch-like Directions or Limitations in the Act of Parliament.

Directions propos'd to prevent Abuſes.

1. That if there be any ſturdy, wandring Beggar, Fortune-teller, or the like idle, unknown, ſuſpected Fellow in the Pariſh, that cannot give a good account of himſelf, he ſhall be taken before any body elſe.

2. That

2. That if there be none ſuch, then any one that has been already in a Goal, or Houſe of Correction, ſhall be next taken.

3. If there be none ſuch, then any one that has been often complain'd of, and been before a Juſtice of Peace for his idle diſorderly Life, ſhall be choſe next.

4. That no married Perſon or Widower, that is left with a Family of Children, ſhall ever be choſe, unleſs it ſhould ſo happen that they are ſuch notorious incorrigible Rogues (as ſome ſuch there may be) that the Pariſh had rather maintain their Wives and Children than be troubled any longer with them.

5. That one or two Juſtices of the Peace, who live in or near the Pariſh, and for that reaſon muſt needs know who are the troubleſom diſorderly People in it, and fitteſt to be ſent away, ſhall always be preſent when the Choice is made, to take care that it be made according as the Act of Parliament ſhall direct; and if it be not, to declare it void and make 'em chuſe again.

I am ſatisfy'd that ſuch prudent and particular Directions and Limitations might be thought of, if this Matter came to be conſider'd in a Committee of Parliament, that would be ſufficient to hinder any ill Practices in this way of raiſing Men; whereas, I confeſs, if the Pariſhes be left to their own Diſcretion to chuſe and ſend away whomever they ſhall think fit, they would perhaps in a little time be as much complain'd of as the Officers have been, and give as great occaſion for it.

The Third Objection is, *That by this means too many Men would be carried away out of the Country, and the Gentlemens Lands be thrown into their hands for want of Tenants.* *Object.* 3.

This is an Objection, which if it were true, does indeed extremely concern the Country Gentlemen; but I hope they need be in no fear about it: For tho perhaps this Year, becauſe of the Siege of *Namur*, there may be more Men wanted than ordinarily; yet one Year with another, his Majeſty does not want above three thouſand Recruits for the *Engliſh* Troops; and in *England* there are above nine thouſand Pariſhes, ſo that it would come to a Pariſh's turn to find a Man but once in three Years; which I ſuppoſe is not very likely to diſpeople the Country, let the War laſt as long as it will. *Anſwer'd.*

The Fourth Objection is, *That this way of raiſing Recruits will make the Officers careleſs of their Men; the Charge and Trouble they are put to to get Men, makes 'em look after 'em when they have 'em: but if they are provided ready to their hands, they will take no manner of care of them, and loſe more Men by half, both by Deſertion and Sickneſs, than they do now.* *Object.* 4.

This Objection is grounded upon a plain Miſtake: for tho the Officers will be a little eas'd, as 'tis fit they ſhould, they will be ſtill very far from having all Charge and Trouble wholly taken off their hands; for if their Recruits be deliver'd to them at the County Town (and thither is far enough to oblige the Pariſhes to ſend them) the Trouble and Charge of marching them from thence into *Flanders*, will be enough to oblige them to take care of them, and look after them as well as they did before. *Anſw.*

The fifth Objection is, *That this is a new Thing, and we do not care for Novelties in* England: *We are in a Road, and we will not leave it; we had rather bear with ſome Inconveniences, than be troubled with a Thing we are not us'd to: Beſides, we do not know what the Conſequences of it may be, it's a thing has never been yet practis'd in* England, *no body knows what ill Effects it may have; new Projects are always dangerous, and no Good ever comes of them.* *Object.* 5. *From the Novelty.*

In anſwer to this Objection, I deſire to know why we may not make uſe of a new Way of raiſing Men as well as of raiſing Mony; the Annuities for Lives, the Million Lottery, the Taxes upon Chriſtnings, Marriages and Burials, are all new Ways of raiſing Mony, and never before practis'd in *England:* And yet being judg'd uſeful in our preſent Circumſtances, their being New was not thought a ſufficient Reaſon againſt them; nor indeed ought to be againſt any thing, for nothing is worſe for being New, if it have no other Defect or ill Quality in it. There are abundance of new Things, too many to name, found out and brought into uſe almoſt every Day, from which the Nation receives great Advantages. In ſhort, to quarrel with a Thing merely becauſe it is New, is a very peeviſh childiſh Humor, or rather the Humor of an ill-natur'd Cur, that ſnarls and barks at all Strangers he meets, for no other Reaſon but becauſe they have new Faces. As to what is ſaid, *Anſw. No harm from its being new.*

or

or rather propheſied, of I know not what ill Conſequences and ill Effects that this Way of raiſing Men may have, I cannot for my part foreſee any, nor imagine what they ſhould be; but this I am ſure of, that if any ſhould happen hereafter, that are not now within view, they can never do much hurt, ſince the Parliament meets now every Winter, and muſt meet every three Years after the War is over, and may alter or wholly abrogate the Act as they ſhall think fit, if it ſhould prove any way hurtful or inconvenient to the Nation.

Object. 6. The ſixth Objection is, *That this way of raiſing Men is a breach of our Liberties and Properties, a violation of the Freedom of the* Engliſh *Nation, one of the Arbitrary Methods of the King of* France, *which 'tis not fit to imitate in* England.

Anſw. The Propoſal no violation of Liberty or Property. This is the Objection that has prevail'd moſt againſt this way of raiſing Men, and which the Gentlemen that oppoſe it inſiſt more upon than any other; not, I ſuppoſe, becauſe it's any better than the reſt, for that it is not, but becauſe to ſeem to aſſert, and talk for Liberty and Property, is always popular, makes a great ſhew, and gives a Man an Air, tho it be nothing to the purpoſe. Or perhaps they are the more fond of this Argument, for the Service they think it has done or may do them; but whatever Succeſs it has had, or may hereafter have, I believe I may aſſure them, that it will never be thought owing either to their Abilities in managing it, or to its own Force, but rather to the Influence of ſome blind Chance or Fate that preſides over the Succeſs of Reaſoning and Diſcourſe, *&c.* as well as over the Events of War, and often favours Nonſenſe in Opinions as it does Injuſtice in Arms, and without which it is ſcarce poſſible to conceive how an Opinion, ſo manifeſtly falſe and abſurd as this is, ſhould ever paſs upon the World for Reaſon and Truth.

But how fortunate ſoever it has been, that ſhall not hinder it from being fairly and throughly examin'd.

In order to which I ſhall conſider the firſt Part of this Objection by it ſelf, and reduce it to this ſingle Propoſition.

That to make a Law to force Men to liſt themſelves, and to fight in Defence of their Country againſt a Foreign Enemy, is a violation of their Liberty.

Proved. This is a full and true State of this Objection; which being thus fairly repreſented, and ſet in a good Light, I am confident that is enough alone, without any Reaſoning or Arguments, to convince an honeſt unprejudic'd Perſon, who is free from the Engagements of Factions and Parties, of the Abſurdity of it. I am as great a lover of Liberty and Property as any Man, as jealous of the Rights I have receiv'd from my Anceſtors, and as deſirous to tranſmit them to Poſterity; but I could never have ſuſpected them to be in any danger from a Law of this nature: And that they are not I ſhall endeavour to prove, by ſhewing,

I. *What the Rights are that Sovereign Powers claim over their Subjects, in relation to War.*
II. *What the Obligations are that Men owe to their Country.*
III. *What is the higheſt Liberty that can be enjoyed in Society.*
IV. *Wherein the Liberty of the* Engliſh *Nation conſiſts: What we are free from, and what we are not free from.*
V. *That to be free from a Legal Obligation to fight in Defence of our Country, is no part of the* Engliſh *Liberties, and is wholly inconſiſtent with Society and Government.*

I deſign but a ſhort Diſcourſe, and therefore cannot ſay ſo much upon every one of theſe Heads as I deſire and they deſerve. I begin with the firſt of them, *viz.*

The King's Right over his Subjects in time of War enquir'd into. *What the Rights are that Sovereign Powers claim over their Subjects in relation to War.*

Whatever the Rights of Sovereignty are, I ſuppoſe it will be granted me. That they belong in as full and perfect manner to the King and Parliament of *England*, as to any other Sovereign Powers in the World: And that they are as highly Sovereign in *England*, and have as much Power over their own Subjects as any other Prince or State has, or can have over theirs. All Sovereign Powers in all Nations, and under all Forms of Government, have always claim'd a Right to make uſe of the Perſons and Eſtates of their Subjects for the defence of their own Country in time of War againſt a Foreign Enemy: And this Claim has hitherto been as univerſally ſubmitted to as made, and that with the higheſt Reaſon; for this is a Right eſſential to Sovereignty, and inſeparable from it; without which it cannot anſwer

anſwer thoſe Ends that make Government neceſſary and beneficial to Mankind, nor without it can Sovereigns diſcharge that high Truſt committed to them; a principal part of which is to ſecure their Subjects, by force of Arms, from being inſulted and ſubdu'd by Foreigners, as well as to make Laws to hinder them from wronging and oppreſſing one another at home, to defend them in War as well govern them in Peace. This is a Duty that high Station they are placed in lays upon them, and the Safety of their People requires of them, and which they are under an impoſſibility of diſcharging, if they have not a Right to command both the Perſons and Eſtates of their Subjects. No Right that belongs to Sovereign Powers is more clear and undoubted than this, nor has any been more readily acknowledg'd on the part of the People. This is a Right they never diſputed with their Sovereigns; never accus'd of being Arbitrary and Tyrannical; never were backward in ſubmitting to it; nor ever thought themſelves oppreſſed, when they were commanded to draw their Swords in defence of themſelves and Country. There is no Inſtance in Hiſtory of any People that were ever diſcontented, or who drew themſelves from the Obedience of their Sovereigns, for claiming ſuch a Power as this over them: Amongſt all the unfortunate Princes that have felt the Reſentments of their People for their Miſcarriages in Government, not one has ever ſuffer'd upon this account. It ſtill remains upon Record what the *Engliſh* Nation particularly charged *Edward* II. *Richard* II. and *James* II. with when they were depos'd: But I am ſure, among the many Inſtances of their Breach of Truſt, Violation of the Peoples Liberties, and Subverſion of the Laws and Government, it was never reckon'd for one, that they had made a Law to oblige the People of *England* to liſt themſelves, and fight in the Defence of their Country for the Support of their Government, and the Preſervation of their Liberty and Religion againſt a Foreign Enemy. I cannot deny but there have always been Princes, and ſtill are, that abuſe this as well as all other Rights of Sovereignty, that force their Subjects to ſerve in Wars they have made, merely to gratify their own Pride and Ambition, their Vanity and Wantonneſs; ruining and impoveriſhing their Countries, both without Neceſſity, and without any Pretence of Good or Advantage to their People; and by this means make this Power, which they are entruſted with for no other End but the Defence and Protection of their People, become an intolerable Grievance, and perpetual occaſion of Miſery and Calamity to them: And no doubt, forcing Men to ſerve in Wars of this nature, is a violation of Liberty and Property in the higheſt manner. But, God be thanked, this is not our Caſe, no Man has ever yet had Ignorance or Impudence enough to ſay, That the King and Parliament of *England* begun or carry'd on the preſent War for any other End but the Common Intereſt and Safety both of *England* and all *Europe*: This War is not their Choice, but is forced upon them by the Ambition of *France*, and the proud Projects of her aſpiring Monarch, whom nothing leſs can ſatisfy than the Glory of enſlaving *Europe*, and reſtoring an Arbitrary Popiſh Prince to the Throne of *England*; whom it will be always the Intereſt of *England* to keep out, as long as the Proteſtant Religion is the Intereſt of a Proteſtant Nation, and Liberty the Intereſt of a Free People.

The Second Thing to be ſhewed is, *What the Obligations are that Men owe to their Country.*

Obligations one is under to his Country aſſerted.

That it is mens Duty to fight in Defence of their Country againſt a Foreign Enemy, is ſo certain and undoubted, that to make a Law to force them to do it, can never be a Breach of their Liberty, unleſs they have a Liberty to be wanting to their Duty.

This Duty they are oblig'd to principally for two Reaſons.

1. Becauſe they receive Protection from their Country, both for their Perſons and Eſtates, and are therefore oblig'd to contribute with both to her Preſervation: It is her Juſtice that covers both the one and the other from Injury and Violence; and it is her Laws that convey to men the Honours and Eſtates of their Anceſtors, and ſecure them in the peaceable enjoyment of the Fruits both of their own, and their Induſtry. In ſhort, all that Peace, Safety and Reſt that make both mens Lives and Eſtates a Bleſſing to them, they owe intirely to the Government of their Country. Theſe are the Benefits ſhe beſtows equally upon all Men, which their Anceſtors have enjoy'd for many Ages, and which ſhe ſtill reſerves for their Poſterity: And in conſideration of Benefits of ſo high a Value, ſhe claims a Right over the Perſons and Eſtates of all Men, to make uſe of them in her own Defence,

fence, and employ them againſt all her Enemies, both Rebels and Foreigners, for the Safety and Preſervation of thoſe Laws and Government to which all Men owe their own.

2. A ſecond Reaſon why Men are oblig'd to fight in defence of their Country is, Becauſe they are Truſtees for Poſterity of thoſe Rights and Privileges they have receiv'd from their Anceſtors, and therefore cannot ſuffer them to be loſt for want of defending them, without being guilty of the higheſt Diſhoneſty and Breach of Truſt.

Engliſh-men have receiv'd from their Anceſtors the beſt conſtituted Government perhaps in the World, the pureſt Religion, and the perfecteſt Liberty: Theſe are all things of ineſtimable Value, which our Anceſtors have both purchaſed and preſerv'd, with a vaſt expence of Blood and Treaſure; and have handed down to us from Age and Age, not with deſign only that we ſhould enjoy them our ſelves, but that we ſhould ſecure their Deſcent to Poſterity, by a reſolute Aſſertion and vigorous Defence of them, againſt all thoſe that endeavour to ſubvert and extirpate them. And whoever ſhall ſo far forget the Duty he owes both to his Anceſtors and his Country, both to the preſent and ſucceeding Generations, as to betray a Truſt of ſuch high Importance, and inſtead of that Liberty and Purity of Religion which he has receiv'd from his Fathers, leave an Inheritance of Idolatry and Slavery to his Children, as he is the higheſt Diſhonour to his Anceſtors, ſo he is the bittereſt Curſe to his Poſterity.

Obligations to ſerve in defence of ones Country.

From theſe two Reaſons it is plain, That Men lie under all the Obligations of Honeſty, Honour and Juſtice, to draw their Swords in their Country's Defence: And this is not more their Duty than 'tis their Intereſt; as all the Members of the Body neceſſarily bear a part in its Sickneſs or Health, ſo all Men ſhare in the Adverſity or Proſperity of their Country; if her Affairs go ill, theirs cannot go well; if ſhe be in a bad Condition, they cannot be in a good one, and therefore when they promote her Intereſt they promote their own; and in the Aſſiſtance they lend her againſt her Enemies, they find their own Security and Defence; and whatever good they do for her, they never fail to reap the Benefit of it themſelves. Mens doing good Offices for their Country, is like the Earth's ſending up Vapors to the middle Region, which fall back upon her ſelf in fruitful Showers; or like a People in Parliament giving Mony to a King, who lays it out all for their own uſe, by imploying it in a War for their own Defence: Such are the Returns a Man receives from thoſe Services he does for his Country, whom he cannot ſerve without ſerving himſelf, nor promote her Happineſs without, at the ſame time, procuring his own and his Poſterity's. There was never any Duty better known, nor better practis'd among the greateſt and moſt civiliz'd Nations of the World, than this a Man owes to his Country. Nothing was eſteem'd a higher Honour among the *Greeks* and *Romans*, than to fight in defence of their Country [ſo far were they from thinking it a Violation of their Liberty to be oblig'd to it] and thoſe that fell in her Quarrel, as they left a glorious Memory behind them, ſo their Poets never fail'd to place them in the Elyzian Fields, and crown them with Garlands.

Hic manus ob Patriam pugnando Vulnera paſſi,
Omnibus his nivea cinguntur tempora vitta. Vir. Æn. l. 6.

The Third Thing to be ſhewed is, *What is the higheſt Liberty that can be enjoy'd in Society.*

The greateſt Liberty in a Society.

When Men enter into Society, they neceſſarily part with all thoſe Liberties that belong'd to them in a State of Nature, and can pretend to none but ſuch as are conſiſtent with Society and Government, and the End for which they are eſtabliſh'd, which is the common good of all. And when this End is obtain'd, Men are as free as the nature of Society will permit; for the higheſt Liberty that Men can enjoy in Society, is to be govern'd by good Laws, Laws that tend to promote the Intereſt and Welfare of the whole Community, and are made in ſuch manner as the Conſtitution of the Government requires. This is the higheſt Liberty that it is poſſible to conceive or aim at in Society, and no People under Government can be free, in a more perfect manner than this is: if we attempt to carry Liberty any higher, we quite deſtroy it, and ſet Men free from all Laws and Government; for if Men be not ſubject to good Laws, I ſuppoſe they are not to bad ones, and then they are ſubject to none at all, but muſt ſeparate and live aſunder, and there's an end

end of all Society and Government. To ſay therefore that a Law, that is for the publick Good [as a Law to oblige Men to liſt themſelves, and fight in defence of their own Country, againſt a foreign Enemy, moſt certainly is] and is made in ſuch manner as the Conſtitution of the Government requires, is a Violation of Liberty, is to ſay, in other words, That Liberty deſtroys it ſelf, That Liberty is a Violation of Liberty; and is as perfect Nonſenſe, and as ſtaring a Contradiction as any is in Tranſubſtantiation.

The fourth thing to be ſhew'd is, *Wherein the Liberty of the* Engliſh *Nation conſiſts: What we are free from, and what we are not free from.*

Wherein the Liberty of the Engliſh *conſiſts.*

The Liberty of the *Engliſh* Nation conſiſts in being govern'd by Laws that are made by the King and Parliament, that are for the publick Good, and that are equal in reſpect of all Men. We are free in *England* from arbitrary Power; from Laws that are deſtructive of the Publick Good, or are not made by the King and Parliament. But we are not free from good Laws, nor Laws that are made by the Authority of the King and two Houſes: if we are, we are free from all our Laws, for they all are, or ought to be thus qualify'd; and a Law to oblige the Pariſhes to find Men for the Defence of the Kingdom, would be, when enacted, upon the ſame foot with all the reſt of our Laws, and as far from violating our Liberties, for it would have the Authority of the King and Parliament, be equally laid upon all the Pariſhes, and be for the publick Good of the whole Kingdom; for as long as this War is our Intereſt, it is certainly our Intereſt to raiſe Men to maintain it: and that it is much more for the Advantage both of the Nation, and Army, to raiſe 'em in this manner, than in any other, I have already ſhew'd in the beginning of this Diſcourſe.

The *Engliſh* Nation is not free, nor ever can be, as long as the Government continues as it is, from the Obligation of a Law of this nature; nor can ſuch a Law ever be a Violation of our Liberties: If it be, all our Laws are, and 'tis impoſſible to make a Law that is not, and our Liberties can never be ſecure till all Legiſlation be wholly laid aſide; for every Law that is made as it ought to be, muſt be made by the King and two Houſes, this being the Way the Conſtitution of our Government requires; and it muſt be upon ſome account or other for the publick Good, for this is eſſential to all Laws. And if when 'tis thus made it be ſtill a Violation of our Liberties, 'tis plain Law and Liberty cannot conſiſt together, and we muſt part with one of 'em, either give over making Laws, or take leave of our Liberty. But ſuch an extravagant Liberty, that ſets Men free from the Obligations they owe to their Country, was never before claim'd or thought of in *England*; and I wonder the Gentlemen that think it a Violation of Liberty, to make a Law to oblige Men to liſt themſelves, and ſerve their Country with their Perſons, do not think it ſo too to make 'em ſerve it with their Eſtates, and cry out upon the Laws for raiſing Mony as Violations of Liberty. What can be the Reaſon they are ſo graciouſly pleas'd to be partial to theſe Laws? Are Mens Perſons more privileg'd, or more under the Cover of Liberty and Property than their Eſtates? Does not the Liberty of *England* equally reach and cover both? Why then do they not harangue us every Seſſion when the Land-Tax is granted, with the Danger that Liberty and Property are in by it? I will undertake with the ſame Reaſons, and upon the ſame Grounds, that they ſhall prove a Law made to oblige Men to ſerve their Country with their Perſons, to be a Violation of Liberty, to prove the Land-Tax that obliges 'em to ſerve it with their Eſtates to be ſo too.

Are not Mens Perſons under the Protection of the Government, as well as their Eſtates? And do they not receive the Benefit of the Laws for the one as well as the other? Why then are they not equally oblig'd to ſerve their Country with both? Are not Men as free in *England*, in reſpect of their Eſtates, as they are in reſpect of their Perſons? Why then is a Law made to oblige 'em to ſerve their Country with their Perſons, any more a Violation of Liberty than a Law to oblige them to ſerve it with their Eſtates? The Liberty of *England* reaches Mens Eſtates in as full and ample a manner as it does their Perſons, and equally covers both from Injury and Violence, but neither of 'em from being ſerviceable to their Country. Whatever Right the King and Parliament have over Mens Eſtates, to make uſe of them for the Service of the Kingdom, the ſame they have over their Perſons. And ſince theſe Gentlemen are ſuch nice Aſſerters of Liberty, I muſt needs put 'em in mind, that a principal part of the Liberty of the People of *England* is, to have good Laws made when they want 'em; for the want of good Laws is as great a

Grievance, and as prejudicial to the Nation as the Eſtabliſhment of bad ones: When therefore a Law, if enacted, would undeniably be for the Good and Advantage of the whole Kingdom, and there be an apparent Neceſſity of it, if we cannot obtain it, this is a plain and direct Violation of our Liberties.

The fifth thing to be ſhew'd is; *That to be free from a legal Obligation to fight in Defence of our Country, is no part of the* Engliſh *Liberties, and is wholly inconſiſtent with Society and Government.*

Engliſhmen are under a legal Obligation to fight in defence of their Country.

If the People of *England* have a Liberty, not to be oblig'd by any Law to liſt themſelves and fight in defence of their Country, I ſhould be glad to know where this Liberty may be met with: There is no mention made of it either in *Magna Charta*, the *Petition of Right*, or the *Act declaring the Rights and Liberties of the Subjects*; no Trace to be found of it in any Records, or Journals of Parliament; no News to be heard of it, either in the Common or Statute Laws of *England*, no Year-Books nor Books of Reports give any Light about it: and I am afraid an Enquiry after it would prove as vain and unſucceſsful, as the Search of the Chymiſts after the Philoſophers Stone, or the Purſuit of the Heathens after Happineſs, which Mr. *Dryden* ſays, Rel. Laici,

——Was never to be found,
But vaniſh'd from 'em like inchanted Ground.

No Inſtance can be given in any Age, that the Nation ever claim'd or made uſe of ſuch a Liberty: On the contrary, our Anceſtors were oblig'd by their Tenures of Knights-Service, to bear Arms for the defence of the Kingdom, both at home and abroad; and they continu'd under this legal Obligation till the Reſtoration of King *Charles* II. when Tenures by Knights-Service were taken away by Act of Parliament. And at the ſame time, or not long after, the Militia Act was made, by which the whole Nation is oblig'd to find Men for the defence of the Kingdom. So that to be free from being oblig'd by Law to bear Arms for the defence of their Country, is a Liberty the *Engliſh* Nation has never had, nor indeed any other Nation in the World, for it is wholly inconſiſtent with Society and Government, and no where to be found but in a State of Nature; for Men cannot take the firſt ſtep toward Society, without being oblig'd to a mutual Aſſiſtance of one another, for the Preſervation of the whole. This is the very Foundation of Society and Government, without which all Societies muſt diſſolve, and Government become impracticable; for the firſt Rebellion at home, or War from abroad, muſt needs deſtroy any Government, if no body be oblig'd to defend it. This Obligation therefore is eſſential to the very Being of Society and Government, and Men cannot pretend to be free from it, without breaking thoſe Bands by which Societies are held together, and diſſolving that Union which is the Life of 'em: for it is the Union of the Members one with another for their Preſervation, that conſtitutes Society, and diſtinguiſhes it from a ſtate of Nature, in which Men live ſeparate, and have no dependence one upon another; and as they receive no Benefits from any, ſo they owe no Obligations to any, are concern'd in no bodies Preſervation but their own, nor oblig'd to fight upon any other account than the Defence of their own Perſons. But whenever Men quit this brutiſh Way of living, and enter into Society, it neceſſarily lays upon 'em an Obligation of mutual Aſſiſtance for one another's Defence; for this is the very End and Deſign of Society, indiſpenſably neceſſary to its Preſervation, and alſo founded in the higheſt Reaſon and Equity: for as Men lend their Aſſiſtance for the Preſervation of the Whole, ſo they receive the Aſſiſtance of the Whole for their own; as they contribute to the Support of Society, ſo they ſhare in all thoſe Benefits that are the Effects of it, and cannot excuſe themſelves from performing what is requir'd on their part, as Members of Society, without at the ſame time forfeiting their Right to thoſe Returns that Society makes 'em. Such a Liberty therefore that pretends to ſet Men free from the Obligations they are under to bear Arms for the defence of their Country, is both highly unreaſonable, and utterly inconſiſtent with Society and Government.

Inferences from the Premiſes.

I have now gone thro theſe five Heads, and tho I have not ſaid much upon any of 'em, yet I hope I have ſaid enough to ſatisfy unprejudic'd Perſons, that a Law to oblige the Pariſhes to furniſh Men for recruiting our Troops, is no Violation of our Liberties: If it be, neither we nor our Anceſtors, neither our own nor any other

other Nation has ever yet been free: nor has there ever been any ſuch thing as Liberty in the World; for it has been the conſtant Practice of all Nations, without exception, to make uſe of their own Subjects in time of War, and oblige them by publick Authority to fight in defence of their Country, againſt a foreign Enemy. It were eaſy to bring Inſtances enough of this, if it were neceſſary: that it has been ſo in *England*, the Tenures by Knights-Service and the Militia Act are ſufficient Evidences. But perhaps it may be ſaid, that the Militia Act is no Violation of our Liberties, becauſe it does not oblige our Men to go out of the Kingdom to fight: That is, if the *French* will come over and fight fairly upon *Salisbury-Plain*, we may make as many Laws as we will, without hurting our Liberties, to force Men to liſt themſelves, and fight 'em; but to make our Men go over the Channel to 'em, and fight 'em in *Flanders*, is a manifeſt Violation of our Liberties. I cannot imagine why a Law to oblige the Pariſhes to furniſh Men ſhould be thought any more a Violation of Liberty in *England* than it is in *Scotland?* The *Scots* have always had as great Liberties as we, and been as jealous of them, and yet they have made a Law lately to oblige the Pariſhes in that Kingdom to furniſh Men to recruit their Troops, and I have not yet heard that any of 'em complain of it as a Violation of their Liberties, nor I believe ever will.

I ſuppoſe, after all, it will be ſaid, *That it is a hard Caſe to take Men by force and make 'em ſerve; and that Mens Perſons ought always to be free.*

To which I anſwer, That Law is Authority, and not Force: and tho to take Men by force be hard, becauſe 'tis illegal, to take them by Law is not ſo, eſpecially when 'tis ſo order'd in the Act, that the Choice of the Pariſhes ſhall fall principally upon ſuch looſe, diſorderly Perſons that are better ſpar'd than kept; and, I hope, I have already prov'd, that Men have no Liberties belonging either to their Perſons or Eſtates, neither in *England* nor any where elſe, that exempt 'em from ſerving their Country, when the ſupreme Authority commands it, and the publick Good requires it. *How Men are made to ſerve who ought to be free.*

I come now to the ſecond part of this Objection; which is, *That this Way of raiſing Men is one of the arbitrary Methods of the King of* France, *which 'tis not fit to imitate in* England.

The word Arbitrary, rightly underſtood, when apply'd to Laws and Matters of Government, ſignifies the Abuſe of Civil Power. The End of civil Power, wherever plac'd, whether in a ſingle Perſon or many, is the Good of the People; and when Princes or States make uſe of it for any other End, they abuſe it, and act arbitrarily, that is, ſet up their own Will and Pleaſure, and purſue their own private Ends, inſtead of the publick Good, which alone they ought to look at, and deſign in all their Actions. Whatever therefore is for the publick Good can never be arbitrary; and what is not ſo is always arbitrary, and can never be otherwiſe. Hence it's evident, that to make a Law to raiſe Men upon the Pariſhes, to carry on a War that is for the publick Intereſt, can never be arbitrary, let it be whoſe Method it will. Becauſe, for the moſt part, the Actions of the King of *France* have been arbitrary, many People think, that whatever he does is ſo: And if it be once known that the King of *France* does a thing, that is enough with them, without any further Enquiry into it, to cry out againſt it as arbitrary and tyrannical; juſt as the Fanaticks think every thing Superſtition that is practis'd in the Church of *Rome*, becauſe many things in that Church are ſo But the King of *France*, tho he be always Sovereign, he is not always Arbitrary; he is only ſo when he acts arbitrarily, which, as bad a Prince as he is, he does not always do. When he clear'd the Roads of Thieves, and made travelling ſafe; when he put an end to Duels in *France* by ſevere Laws, and a ſtrict Execution of them: Theſe things were for the Good of his People, and therefore not arbitrary. It does not follow therefore, that a thing is arbitrary, merely becauſe the King of *France* does it; tho I muſt confeſs, I think the King of *France*'s raiſing Men, to ſerve in this preſent War, either on the Pariſhes in *France*, or in any other manner, is arbitrary, becauſe the War it ſelf is ſo on his part: The Thirſt of Glory, and the airy Hopes of Univerſal Monarchy were the only Motives that ingag'd him in this War; which he enter'd into with great Pride, and Contempt of the reſt of *Europe*, not mov'd by any Proſpect or Deſign of Good or Advantage to his People, nor forc'd by any Neceſſity or Danger that threaten'd either himſelf or them from any of his Neighbors; for both he and they, and all *Europe* might have enjoy'd a long and happy Peace, if his own reſtleſs Ambition would have given leave. Not only therefore his raiſing of Men in any manner whatever, but his raiſing Mony, and every thing elſe he does, to carry on a War of this nature, *The Method propos'd not arbitrary.*

cannot but be arbitrary in him, becauſe the War he makes is it ſelf ſo. But the Caſe is otherwiſe in reſpect of the Allies, who make War againſt him only to put a ſtop to the Growth of his Power, and ſecure themſelves from the Injuſtice of his Arms; and therefore the Methods they make uſe of to raiſe either Men or Mony to carry on the War, cannot be arbitrary, becauſe the War it ſelf is ſo much the Intereſt of their Subjects, and ſo abſolutely neceſſary to their Preſervation.

Theſe are all the Objections that I ever heard, or can think of, againſt making a Law to oblige the Pariſhes to furniſh Men for recruiting our Troops; and I hope I have, according to my Promiſe, both fully and fairly examin'd the Opinion of thoſe Gentlemen who think this way of raiſing Men a Violation of our Liberties; and I have done it the rather, becauſe I was willing, once for all and to purpoſe, to expoſe and baffle an Opinion that is not only falſe and abſurd in it ſelf, but very prejudicial to the Nation, and will become more ſo every Year, as the War continues, and the Difficulty of raiſing Men encreaſes, which will be greater every Year, and Men grow more ſcarce, as the War is drawn out in length: nor can it poſſibly happen otherwiſe in long Wars, in which ſo many Men are deſtroy'd every Year, both at Sea and Land. 'Tis againſt the Intereſt of the Nation therefore for any Perſon to put it into Mens Heads, that 'tis a great Wrong to 'em, and a high Injuſtice done 'em to take 'em againſt their Wills, and make 'em ſerve their Country either at Sea or Land; and that tho this ſhould be done by Law, yet 'tis nevertheleſs a Violation of their Liberties, and a downright Oppreſſion of 'em. If ſuch an Opinion ſhould happen to ſpread, and be once throughly rooted and fix'd in the Minds of the People, it might prove very dangerous, and have very ill Conſequences, if the Nation ſhould happen by a long or unſucceſsful War to be brought into great Want of Soldiers or Seamen, and drove to make uſe of extraordinary Methods to raiſe 'em. Our Seamen think themſelves hardly enough dealt with already, and are diſſatisfy'd enough with their being forc'd to ſerve; but no doubt they would be much more ſo, if it were once told 'em, that no Law nor Authority whatever could oblige them to ſerve againſt their Wills, that the Liberty of *England* protected 'em from it, and that to force 'em to it was the moſt outrageous Violence and the higheſt Injuſtice in the World, let it be done by the King and Parliament, or whoever it would. If they once underſtood this, and throughly believ'd it, and did not mutiny or make ſome Diſturbance to deliver themſelves from ſuch an Oppreſſion, the Nation would be more beholden to their Loyalty than to thoſe that maintain ſuch Opinions. That the King and Parliament of *England* cannot command the Perſons and Eſtates of their Subjects for the Defence of the Nation againſt a foreign Enemy; and that if they make a Law to this effect, it is a Violation of our Liberty; is an Opinion ſo monſtrous and extravagant, that one would think no Man could be ſo far forſaken of all Underſtanding and common Senſe as to maintain it: but when Men talk thus, it looks as if they were more forſaken of Honeſty than Underſtanding.

The Abſurdity and Falſhood of the contrary Opinion expos'd.

I muſt needs make bold to take one View more of the Liberty theſe Gentlemen maintain, before I take my laſt leave of it; and this Curioſity is very pardonable in me, ſince this Liberty is certainly a Stranger in theſe parts of the World, whatever it is elſewhere.

Liberty of not fighting for ones Country examined.

All *Engliſh-men* then have, as you ſay, Gentlemen, a Liberty not to fight for their Country, and no body can make 'em do it, unleſs they, kind Hearts, ſhould happen to be in a good Humor, and offer their Service themſelves; tho the *Engliſh* Fleet ſhould be ſunk, and the Army deſtroy'd, yet *Engliſh-men* may ſtand ſtill with their Hands in their pockets, and look on, and no body can make 'em ſtrike a Stroke. This is their Liberty, and no body has a word to ſay to it; nay, tho the Kingdom it ſelf were ſure to be loſt, our Laws, Liberties, Religion, Government and all with it, yet neither the King nor the Parliament, nor both of them together, with all their Laws and all their Authority, can make a Man of 'em fight to prevent it, no not ſo much as a Tinker, Fortune-Teller or Ballad-ſinger, their Perſons are all privileg'd, all ſacred, all under the Protection of Liberty, which no body muſt dare to violate; tho, perhaps, all the while, theſe ſacred Perſons of theirs lie ſtinking in a Jail, a Prey to Vermin and Naſtineſs, or elſe in a Houſe of Correction, under the Diſcipline of a brawny Arm and twiſted Whip: But 'tis no matter for that, let 'em be where they will, either playing the Rogue or ſuffering for it, if we offer to hang a Sword by their Sides, or put a Musket in their Hands and make 'em fight for their Country, immediately Liberty receives 'em into her Sanctu-

Sanctuary, and there they are as ſafe as if they were in an inchanted Caſtle; it's in vain to hope to come at them, they are quite out of the Reach of all Law and all Authority, the King and both Houſes may throw their Caps at 'em. Why now, believe me, Gentlemen, this is the moſt glorious Liberty the *Engliſh* ever had ſince they were a Nation: How high will it raiſe the Honour of our Country? What a Terror ſhall we be to our Enemies? How famous will it make our Courage? How invincible our Armies and Fleets, and inacceſſible our Iſland? Bleſs me! Gentlemen, what an ineſtimable Treaſure have you found out for us? A Liberty far more worth than all the reſt of our Liberties, or all the Blood and Treaſure they coſt our Anceſtors: With what Joy muſt it needs be receiv'd both by the preſent and ſucceeding Ages? How happy will it make both us and our Poſterity? Give me leave, Gentlemen, to adore you for the Diſcovery of it; Hail Darlings of Heaven; hail highly favour'd, you alone among all Mankind were found worthy to have the Honour to reveal this Secret to the World, that has lain hid from Ages and Generations paſt, which our Anceſtors could never arrive to the leaſt knowledg of, nor Poſterity would never have heard of it, if you had not enlightned the World with it. How happy is the *Engliſh* Nation to have ſuch able and faithful Patriots as you, who not only ſupport our antient Liberties, but find out new ones for us; What may we not expect from your Zeal and your Abilities? It raviſhes me to think how glorioufly Liberty will flouriſh in our days; what Improvement will be made in it; how *Magna Charta* will be inlarg'd, and how many Volumes of new Liberties will be writ, all as glorious and honourable, and as much for the Intereſt of the Nation as this is.

Liberty made K. J. go away.

It was for the ſake of this Liberty, no doubt, Gentlemen, that the late King *James* went away, and left his Army on *Salisbury-Plain*; he knew *Engliſh-men* could not be made to fight againſt Foreigners without violating their Liberties; and therefore rather than make 'em do that, he choſe, out of a tender regard to the Liberties of *England*, to go his way, and loſe his Kingdom. Now, I muſt tell you, Gentlemen, That notwithſtanding all his Faults, this was very kindly done of him, and ſhews he lov'd the Nation, and underſtood its Liberties well. And ſo, it ſeems our Admiral did, that we had in the beginning of this War; he knew the Seamen had been preſs'd, and that it was a Violation of their Liberties to force 'em to fight; and therefore, when the *French* came up to him near the *Iſle of Wight*, he bore away from 'em as faſt as the Wind and Tide would carry him, bravely maintaining the Liberties of *England*, quite from *Spithead* to the River's Mouth. But his Succeſſor, Gentlemen, one may ſay it among Friends, has not behav'd himſelf ſo well in this Point as he did; for happening to meet with the *French* Fleet ſome Years after, much about the ſame Place, what does he do but fall on without any regard to our Liberties, and there was he at it for above an hour, Fiſt to Fiſt with Admiral *Tourville*, and all the while the poor Seamens Brains and their Liberties flew about together, in the ſaddeſt manner; I proteſt to you, Gentlemen, 'twas a ſhame to ſee it. Between you and me, Gentlemen, he may be an honeſt Man, but really he does not underſtand the Buſineſs of Liberty; I believe he means well, but he has not ſeen ſo far into that Matter as you have done: Pray, Gentlemen, take a little pains with him, and ſet him right, and give him a Copy of *Engliſh* Liberties to put in his pocket when he goes to Sea again; but let it be a Copy of your own making, Gentlemen, not drawn out of *Magna Charta*, nor any Records or Journals, but fire-new from your own Brains. And pray, when your Hands are in, don't forget to furniſh our Officers with Copies when they go back to *Flanders*; they have as great need of 'em as our Admiral; I aſſure you Gentlemen, they take no care at all of our Liberties when they come into *Flanders*, 'tis a ſad thing to ſee how they make our Men fight there: It has been many a Heart-breaking to me to ſee what Havock has been made of the *Engliſh* Liberties the laſt Campagn. We are more beholden in this Point to two good-natur'd Foreigners, who commanded *Dixmude* and *Deynſe*, than to all our own Countrymen; they had heard, no doubt, that they could not make the *Engliſh* Troops, they had with 'em, fight without violating their Liberties, and therefore, rather than offend our Men in ſo nice a Point as that, ſurrendred their Gariſons without ſtriking a Stroke: This was indeed, Gentlemen, a greater Proof of their Love than we could have expected from Foreigners, and they ought to have the Thanks of the Nation for the Care they took of our Liberties.

The Practice of two Admirals.

The Conſequence of not fighting in Flanders.

But let us leave *Flanders*, if you pleaſe, Gentlemen, and return to our own Iſland, and there bewail again the deplorable Condition of our antient Kingdom of *Scotland*;

The Practice of raiſing Men in Scotland.

land; 'tis a melancholy thing to think how that late flouriſhing Kingdom is overrun with Slavery; ſince the making of the Law to raiſe Men upon the Pariſhes, there is no more Liberty left in it than there is Epiſcopacy; from *Berwick* to the *Orcades*, not a *Scotch-man* but is as perfect a Slave as any ſerves in the Galleys in *Turkey*; and this ſad Calamity has befallen 'em merely for want of ſuch good Patriots as you. O happy *England!* and happy *Engliſh-men*, on whom Heaven beſtows ſuch diſtinguiſhing Favours, ſuch ineſtimable Bleſſings that it denies to all other Nations of the World. Really, Gentlemen, we ſhould be extremely alarm'd in *England*, and in a dreadful Conſternation, to ſee that Slavery is come ſo near us, and has already taken poſſeſſion of one End of our Iſland, but that we know we are under your Protection, and have an intire Confidence in your Conduct and Courage; we know you are always upon your Guard, and that you will not ſuffer this *Scotiſh* Slavery to enter *England*; that you are ready to bid it defiance, if it ſhould offer to advance one ſtep Southward. Methinks I ſee you already, Gentlemen, upon the Banks of the *Tweed*, performing Deeds of immortal Honour, and vanquiſh'd Slavery flying from the Terror of your Arms, frighted and amaz'd, drove back and forc'd to retire to a long diſtance from the *Engliſh* Borders. Without Flattery, Gentlemen, you are the moſt renown'd Champions that Liberty ever had, none ever diſtinguiſh'd themſelves ſo much in her Service as you have done; you, and you alone, of all Mankind deſerve to be honour'd with the glorious Title of her Knights; ſhe, fair Lady, was dangerouſly aſſaulted by a hard-hearted Soldier, who begun to handle her as roughly as he us'd to do the *French*, and, when ſhe was in the greateſt diſtreſs, juſt upon the point of being forc'd, diſhonour'd and ruin'd, then ſtood up the Knights of Liberty, and with a noble Courage and high Reſolution, undertook her Reſcue; nor did ever the renown'd Knight of the *Mancha* ingage with more undaunted Bravery, for the ſake of his incomparable *Dulcinea*: Nor could Fate deny Succeſs to the reſiſtleſs Arms of ſuch invincible Knights, the Lady was deliver'd and her Raviſher put to flight; then Fame blew her Trumpet, and loud Vioces of Triumph were heard. Some ſung the Beauties of the reſcu'd Lady, ſome the matchleſs Proweſs of her victorious Knights! Gentlemen, 'tis a thouſand pities you live in an Age and in a Nation where Merit is not underſtood; had you liv'd among the *Romans*, they had no doubt ſet your Statues in the Capitol among their Gods: and it's a ſhame the Mayor and Aldermen of *London* ſhould have their Heads ſo full of Kings and Queens as to forget you; and that among all the Statues they have ſet up upon the *Exchange*, not one is to be found to the Honour of the Knights of Liberty. And it's ſtill more unpardonable that no body has yet ſet you aſtride in *Lincolns-Inn-Fields* or *Covent-Garden*, and that none of our Squares are yet honour'd with your Heroick Exploits engraven on Columns of Braſs, and cut in Marble Pillars. Oh! 'tis a baſe ungrateful Generation this, far unworthy to behold your glorious Actions, or enjoy the Benefit of 'em: but in ſpite of all its Ingratitude and Neglect, your high Atchievements ſhall be regiſtred in the Temple of Honour, and Fame ſhall eternize the Memory of 'em; in every Page of whoſe Book Poſterity ſhall read your noble Exploits, and equally honour the Knights of Liberty with *Amadis de Gaul*, and the famous *Don Quixote de la Mancha*.

A LETTER to a Friend, in Vindication of the Proceedings against Sir John Fenwick, by Bill of Attainder; with some Remarks on his printed Paper.

Printed in 1697.

To the READER.

I Was never a very great Friend to Apologies; yet I find it neceſſary at this time to make uſe of them. I do it for the Satisfaction of ſuch who may ask, why this Paper came out no ſooner? *and,* why, after ſuch a Delay, it came out at all? *ſeeing the Buſineſs of it, as they conceive, is blown over, and the Town has freſh Subjects to talk of.*

Why this Diſcourſe was delay'd ſo long.

For the First, *the* Delay: *a deſire of ſeeing ſome Memorials not to be immediately had, and of diſcourſing with ſome Perſons not every day to be met with; a great deal of other Buſineſs, and an Expectation of ſomething of this nature from other hands; as they are true Suggeſtions, ſo, I preſume, they make up a juſt Excuſe.*

Concerning the Second, *the Unſeaſonableneſs of this Account, I take the Confidence to ſay that it ſeems to me to be a very great Miſtake. For there is a Party (who know better what they are againſt, than what they are for) whoſe Heat, tho very violent, is yet perpetual. This is evident to all who are either ſo curious as to inquire after the Papers they ſpread abroad, or ſo unhappy as to ingage with them in Diſcourſe. The Matter is by no means over with this ſort of Men: The* Bill of Attainder *is their daily Subject. They are tranſported with ſo great a rage againſt it, that for the ſake of it, they declaim againſt all* Acts of Attainder. *Tho the Memory of Queen* Elizabeth *is not, upon other Accounts, much valu'd by them; yet in this Point they repreſent it as the Glory of her Reign, that no* Act of Attainder *paſſed in it. I am not going about to juſtify all ſuch Acts, or to plead for the frequency of them. But I would, upon this occaſion, obſerve to the Men of this Faction, that Queen* Elizabeth *did paſs ſuch Acts; and that the laſt, which the late King* James *paſſed, was very far from the Reaſonableneſs and Juſtice either of thoſe in her time, or of this in King* William's. * *Queen* Elizabeth *did, in* Ireland, *paſs many* Acts of Attainder; *and, in ſome of them, great Numbers of Perſons were included. And I cannot but take notice, that in the laſt Act, here cited, for the* Attainder *of* John Brown *of* Knockmontin, and very many others (*I think in ſome of the reſt too*) *the Stile runs thus:* 'It may pleaſe your Highneſs for the good Preſervation of your moſt excellent Majeſty's Government, and of the good Peace, Unity, and Reſt of all us your moſt bounden and obedient Subjects thereof, the Lords Spiritual and Temporal, and the Commons in this Parliament aſſembled, that it may be enacted by the Authority of this preſent Parliament, that the ſaid John Brown, John Bradah, &c. be, and ſhall be, by the Authority of this preſent Act, convicted and attainted of High-Treaſon. So that, in the Judgment of thoſe times, ſuch an Act was not reckon'd inhuman and unmerciful, and of very ill Conſequence to the Publick, but a preſent Means to the Common Good. That excellent Queen, who was always the ſame, could not look upon an* Act of Attainder, *as merciful in one Country, and unmerciful in another.*

* Act of Irel. 11 Eliz. c. 3. 13 Eliz. c. 5, 7. 27 Eliz. c. 1. 28 Eliz. c. 7, 8.

The

2400 Persons attainted in Ireland.

The late King James, *by an Act of a pretended Parliament assembled at* Dublin, *May the 7th 1689. attainted of High-Treason above two thousand four hundred of the Nobility, Gentry, Clergy, and Commonalty of* England *and* Ireland *(among whom as there were several Women and Children, so there were some great Persons, now sitting here in the House of Lords,* viz. James *Duke of* Ormond, Robert Boyle *Earl of* Cork, John *Earl of* Mulgrave) *the List of whose Names only fills no less than thirty Pages in* Quarto, *close printed in Columns. Where now is the Impartiality of those Men, who will not suffer one hard Word to fall, which may censure King* James's *Act, whilst with all Bitterness they arraign this of King* William? *Yet in this the Legislative Power found it necessary (at least in one Instance) to exert it self; that Conspirators might not for the future learn a Method of escaping from Justice, by taking off a Second Witness, by Bribery, Poison, or other evil Means. The Consequence of such Encouragement would be, the endangering of our Religion and Property, and the bringing us to* Wooden Shoes, *and Deities of a like insensible Substance. To me it is manifest, that the Legislative Power proceeded upon the truest and noblest Principles; I mean those of Justice to the Person, and Charity to the Publick. These are founded on true, unbiass'd, and (as I may call it) dry Reason, which is the Soul of Law: whereas the Pity which would save from Punishment such particular Persons as are Enemies to the Kingdom, and rather justify than acknowledg their Crimes, proceeds from a Judgment so* macerated in bodily Passion *(as a great Man speaks) that it is both unmanly and mischievous. The Mercy of such a Passion is cruel. It says, in effect, to the Chirurgeon,* You bloody and barbarous Man, will you be so unmerciful as to cut off the grangren'd Arm? Rather than be so inhuman to it, let the Body perish.

I hope, that notwithstanding the Clamour of Men, transported with the Heat of Popish Zeal, the Legislative Power will always prefer the Publick before private Good: and the Character of this Reign will be true Clemency; which is on one side fenc'd against Rigour, and against Remisness on the other.

A Letter concerning the Attainder and Execution of Sir John Fenwick.

SIR,

I Do not wonder to find you concern'd to know upon what grounds the *Act of Attainder* was lately carry'd. The Debates were long, and the Contradiction was great. Every thing that is unusual, and that in the first appearances seems a strain upon Justice as well as Law, needs a Commentary. A short Prejudice does sometimes seize one so strongly, that a long Discourse will be necessary to set his Judgment right: and therefore I shall endeavour to give you as full an Account of that whole Matter as I have been able to collect, either from what I learn'd from the *Bar of both Houses* when all were permitted to come in, or from discourse in Conversation afterwards; which, I hope, will serve, without any Additions or Observations of my own, to help you to see this Matter in a clear Light, and to take off from your self or others, any Impressions that flying Reports or some short Papers may have made. It has been the more easy for me to procure you such an authentical Relation of that Matter as will satisfy you, because *both Houses of Parliament* did, upon this Occasion, slacken their otherwise necessary Rules of having all their Debates with shut Doors, and only among themselves. They seem'd in that to comply with the Methods of the Justice of this Kingdom; in which Judges argue and give their Opinions in open Courts, and in the hearing of all: So, since they brought a Gentleman to a Trial, they not only heard Counsel and Witnesses with open Doors; but, in most of their Deliberations, they acted like a Judicature that was neither afraid nor asham'd to own what they did. But to bring those Debates of which I was so lucky as to hear a great deal, under some form, I shall lead you, as they proceeded, by these steps.

Debates in Parliament publick.

1. I ſhall ſhow you on what Reaſon they proceeded by Bill in this Caſe.
2. On what Reaſon they went out of the common Forms of Law in inferior Courts, in ſome ſteps that they made.
3. Upon what Grounds it was that they judg'd this unfortunate Gentleman Guilty. And then,
4. I ſhall acquaint you with ſome Paſſages before and at his Execution.

The State of the following Diſcourſe.

In ſtating theſe Matters to you, I ſhall comply faithfully with your deſire of knowing what was ſaid of both ſides for and againſt every Step that was made, as far as I was able to collect from what was ſaid.

Reaſons alledg'd againſt the Attainder.

It was in general objected, that there were Laws, and Courts of Law, where Offenders were to be tried.

It was thought a thing of dangerous Conſequence to proceed againſt any by Bill, which might have fatal Effects, even to the ſubverſion of the Laws of the Kingdom; which (if in any thing) ought to be obſerv'd moſt ſacredly in what relates to the Lives of the Subjects.

It was ſaid, that Factions might prevail in Parliament as well as elſewhere, and what was done at one time, would be made a Rule or Precedent to warrant the like at another time.

It was alledg'd, that Subjects knew the Laws, and how to govern themſelves by them, or when they muſt fall under them; but no Man could know what a Parliament might call or make a Crime, and ſo no Man could be ſafe.

It was yet more neceſſary that this ſhould be certain in Caſes of Treaſon, where the Puniſhment went not only to Life, but to the corrupting the Blood.

By the great Statute of *Edward* III. the Overt Act muſt be proved: By that of *Edward* VI. there muſt be two Witneſſes brought face to face; and all theſe Securities were of late reinforced by the *New Act of Trials in Caſes of High Treaſon:* but all theſe would ſignify nothing, if this Method were taken of attainting Men by a Law. This was enforced by a variety of Topicks, as you ſee the Subjects can well bear them.

Reaſons for the Attainder.

But in oppoſition to all this it was ſaid, that the Parliament had often proceeded in this Method. Very many Precedents were cited of antient Times; ſome of theſe were indeed afterwards condemn'd, but ſo were alſo the Proceedings at Common Law; for partial Juries and corrupt Judges are Plagues that have viſited us but too often. Therefore it was no derogation from Parliamentary Proceedings, to confeſs that in bad Times they have been unjuſt and extreme.

Still the Authority was kept up, as that which had been reſerv'd by the *Proviſo* in the Statute of 25 *Edward* III. and tho that *Proviſo* had not been made, the nature of this Government of ours in *England* makes it.

It was indeed ſeldom to be made uſe of; but when enormous Crimes broke out, againſt which no Proviſion had been made, then a Law, as they thought, might declare the nature of ſuch Crimes, and apply a proportion'd Puniſhment to them: So in King *Henry* the Eighth's Time, when a Pot full of Pottage was poiſon'd in the Biſhop of *Rocheſter*'s Kitchin, of which ſome eating of it had died; Poiſoning was declar'd by an Act of Parliament to be *High Treaſon*, and the Puniſhment of it was to be boil'd alive, and the Cook ſuffer'd by that Law; which was never cenſur'd by any.

The Nun of Kent's Caſe.

When the Nun of *Kent* pretended to Viſions, that reveal'd to her the unlawfulneſs of that King's Purpoſe of Divorce and of a ſecond Marriage, and that if he did go on to it, he ſhould die a Villain's Death; the Parliament adjudg'd this to be the Crime of Treaſon againſt the King's Life and Crown, and condemn'd ſome to be attainted of Treaſon, and others of Miſpriſion for the ſhare they had in it. This Sir *Thomas Moore* juſtify'd.

Attainders in Hen. 8*'s Time too frequent, & cenſur'd.*

It is true, Attainders grew to be much in uſe during the reſt of that Reign, which was much and juſtly cenſur'd. Theſe things ought not to come too often; the Crimes ought to be enormous, and the Evidence to be ſo full that no Doubt can remain of it. Many then were attainted upon Depoſitions produc'd, without bringing the Witneſſes themſelves to be examin'd: the Crimes objected were ſlight Matters, ſome paſſionate Words, ſome Coats of Arms, ſome pieces of Embroidery, as in the Caſe of the Counteſs of *Salisbury* and the Duke of *Norfolk:* But the chief Injuſtice of all was, that Priſoners were attainted without being brought to anſwer for themſelves, or to object to the Evidence laid againſt them. A Parliament was

certainly under the eternal Laws of Juſtice, and therefore it was an Injuſtice never to be excus'd not to admit Men to ſpeak for themſelves.

One Attainder paſt in *Edward* the Sixth's Reign, when tho the Party was not heard, the Witneſſes were heard; but when the Duke of *Somerſet* came to be try'd both for Treaſon and Felony, he had not the benefit of the Accuſers being brought face to face, but was proceeded againſt upon Depoſitions read in the Court; he was acquitted of the Treaſon, but caſt for Felony; and that occaſion'd the Act which the Commons grafted upon a Bill ſent down by the Lords in the ſubſequent Seſſions.

No Attainders in Q. Eliz. Reign.

In Queen *Elizabeth*'s long Reign there was indeed no Attainder, but there was a very extraordinary Proceeding, ſupported by a Parliamentary Authority, in a famous tho invidious Caſe; and if a Parliament may ſupерſede any of the common Forms of Law, they may carry that as far as they ſee good Cauſe.

In K. J. I's Reign.

In King *James*'s Time, thoſe who had been concern'd in the Gunpouder Treaſon, were by Act of Parliament attainted after they were dead, which was plainly againſt Law; for when a Man dies, by our Law all his Crimes die with him.

In K. Ch. I's Reign. E. of Strafford's Caſe ſtated.

In King *Charles* the Firſt's Time, the much talk'd of Attainder of the Earl of *Strafford* has been generally ill repreſented: he was attainted upon the Evidence of one Witneſs, who depos'd that he had offer'd Advice to the King to bring in a Foreign Force to ſubdue this Kingdom; whereas all the other Witneſſes ſaid, that by this Kingdom they meant no other but the Kingdom of *Scotland* then in Rebellion, no diſcourſe being of *England*; ſo whether he ſaid this Kingdom or not, they could not ſay, but they underſtand it all to relate to *Scotland*. Now ſince the Relative *this*, tho in general it belongs to the place where one is, yet may well belong to that which was the Subject of the Diſcourſe, tho this Kingdom in general is certainly this Kingdom, yet theſe words *this Kingdom* may be underſtood of that Kingdom of which they were ſpeaking. The Execrableneſs of that Proceeding was, the attainting a Man upon a ſingle Evidence, when the Senſe of them was ſo doubtful, or rather on the contrary when it was ſo certain that thoſe words were to be underſtood in another Senſe. It was therefore the Injuſtice of the proceeding that is here to be accus'd, and not the proceeding by Bill: For it is hard to tell what any Parliament would do, or rather what it would not do againſt a Miniſter, who upon their refuſing to give all the Supplies that were ask'd, ſhould tell a King that he was abſolv'd from all the Rules of Government, and might bring in a Foreign Army to ſubdue his People.

In K. Ch. II. Reign.

In King *Charles* the Second's Time, ſome of the chief Regicides were attainted after their Deaths, and their Bodies were raiſed and expoſed to Infamy, tho no Law could reach that.

In K. J. II's Reign.

And in K. *James* the Second's Time, the Duke of *Monmouth* was attainted in his abſence, without aſſigning him a Day to come in, and that upon a ſlender Proof. By this, not to run backward to antienter Precedents, it is clear that Parliaments are in the conſtant practice of Bills of Attainder.

But to juſtify ſuch a way of proceeding two things are neceſſary.

Two things neceſſary to juſtify ſuch Proceedings.

1. The Crime ought to be of a high Nature in it ſelf. Who will ſay but a Conſpiracy to blow up the Houſe of Commons, to blow up the Magazines in the *Tower*, or to burn the Fleet of *England*, tho in themſelves but Miſdemeanors, may be raiſed by a Parliamentary Authority to be Crimes of a higher Nature, and ſo be puniſh'd accordingly, as Poiſoning was from being but Felony declar'd to be High Treaſon?

2. Another thing is, that the Evidence muſt be certain, ſo certain that none can doubt of it.

When theſe two are obſerv'd, no Injuſtice can be done; and certainly tho Forms are neceſſary for all the inferior Courts of Juſtice, yet the Supreme Authority is above them, and is under no other Rules but the Rules of Juſtice and Equity.

The Law allows of no Torture.

This Government has a peculiar Felicity belonging to it, that it admits of no Torture; every one will acknowledg that it is a Felicity, and it is ſo peculiar to us, that no Government now in the World, the freeſt not excepted, has ſhut it out but this only. But to ballance this, when Caſes happen of great Conſequence, and notoriouſly evident, in which all the ordinary Forms of Law cannot be obſerv'd, the Legiſlative Authority may and muſt interpoſe, otherwiſe the Publick might be endanger'd by too ſcrupulous an adhering to Forms.

The

The *Romans*, who of all Nations both underſtood Liberty the beſt, and liked it the moſt, reckon'd that ſort of Juſtice was indeed never to be departed from; but their Laws might be ſuperſeded: ſometimes they put all in the Power of the Conſuls with a *viderint Conſules*, &c. when the Danger was more extreme a Dictator was made, in whoſe Breaſt all the Laws were lodg'd. In great Caſes the People judg'd, and ſometimes in a very ſummary way with great regard to Juſtice, but little to Law when it ſeem'd to ſtand in the way of Juſtice: And yet in all the time of Liberty, there were not above three condemn'd for affecting to make themſelves Maſters of their Liberties. *The Practice of the* Romans.

The *Portian* Law had ſecur'd all the *Roman* Citizens from Capital Puniſhments; yet a few Years after it had paſt, a whole Legion having perfidiouſly fallen in upon *Rhegium*, the *Romans* without regard to that Law put them all to death, ſuch regard had they to Juſtice. *The* Portian *Law.*

In all free Governments there are extraordinary Methods for extreme Caſes; and tho Courts are juſtly put under Rules, yet that Superior Authority is above all. Such were the Dictators at *Rome*, ſuch are the Inquiſitors at *Venice* (not the Eccleſiaſtical but Civil Inquiſitors) ſuch are the Chambers of Juſtice among the *Griſons*; and among all out of *England*, upon a credible tho but ſingle Evidence Torture is made uſe of.

In *England*, Trials of Treaſon went firſt at large by the Common Law, till the Statute of *Edward* the Third hath both limited the Crimes and the Evidence. This had ſtill a Reſerve in it for a Parliamentary Proceeding, which amounts to this, That as to Evidence, Parliaments may proceed as Juries do in caſe of Felony, to caſt the Party upon a ſingle Evidence with ſtrong Preſumptions; and that as to the nature of Crimes, ſuch Actions as do in their own nature tend to the deſtruction of the Government, tho not enumerated in that Act, may by them be declar'd to be High Treaſon. There is no occaſion for this in the preſent Caſe; that is, for declaring it by any new Act to be Treaſon, the inviting of a *French* Army into *England* being certainly High Treaſon. *The Stat. of* Ed. III.

As for its being a Precedent, it is only a Precedent to a Parliamentary Proceeding. When any Parliament has a mind to proceed in this way, they have already Precedents enough: A new one after ſo many does not make the Matter much ſtronger. If they had none at all, their Supreme Power ſets them above all Forms and Rules except that of real Juſtice. They muſt take care of the Publick, and ſecure it from danger. They muſt not put an innocent Man to death upon any account whatſoever, that were Murder in them. The greater their Power is, the more careful they ought to be in the uſe and application of it. *England* is ſafe while in the hands of a Parliament. They are in their own hands, in the hands of their Repreſentatives. But if ever the Nation is ſo unhappy as to make a very bad Choice it muſt periſh, whether a Body ſo ill compos'd had Precedents, or had them not, for what they were about to do. This great Authority muſt be apply'd with great care and caution. The nature of the Fact muſt be enormous, and highly ſo (as has been before obſerv'd) otherwiſe it does not deſerve their regard, even tho it might be very criminal: And what can be more enormous than to treat and ſend Meſſages to invite over a *French* Army? It were invidious, as well as needleſs, to aggravate this, which carries in it all the Miſeries imaginable that can happen to a Nation; and that from our being the happieſt, would ſoon render us the miſerableſt Nation upon Earth. We have all ſeen, during the progreſs of the War, a Body of unnatural Men among us, that were viſibly favouring our Enemies in Inſtances that have been too publick and ſcandalous to need to be inſiſted on. To theſe we may juſtly impute both the length of the War, and the Dangers we have been in of being twice ſurpriz'd by Foreign Invaſion from *La Hogue* and *Dunkirk*. To this all the Dangers the King's Perſon has been in of Aſſaſſinations may be alſo aſcrib'd; and with reſpect be it ſaid, the aſſaſſinating the Kingdom, to which the other was to make way, was much the blacker Crime. Confuſions among our ſelves, tho they may throw us into great Convulſions, in which our Kings may have a very diſmal ſhare, as happen'd in the late Wars, yet they may have their Criſis. The Nation came again to it ſelf in the Year 1660. and all things return'd to their former State: But a Foreign Conqueſt enſlaves us and our Poſterity for ever. And whereas it was ſaid by the Counſel for the Priſoner, that this Gentleman was not ſo conſiderable that the Safety of the Government could be in danger by his means, and that therefore it was not neceſſary to proceed againſt him in ſo extraordinary a manner; which was urg'd in words *Precedents of Parliament.*

The Counſel for him.

The Answer to it.

not very decent, expreſſing a contempt of a Man of Birth and Quality: To this it was anſwer'd, That the Crime and not the Man were to be conſider'd. The inviting over a *French* Army was ſo heinous a thing, that on whomſoever it fell it muſt fall with all its weight. It muſt not paſs over as a ſlight Matter beſides; for he at the Head of the 2000 Horſe that were promis'd was not ſo inconſiderable. If ſuch Invitation had encourag'd the *French* to undertake the Invaſion laſt Year, that was ſo near proving fatal to *England*, ſuch a Crime being of the higheſt nature, is very proper for the Supreme Authority to proceed in; ſure there may be defects in the Evidence, which the Courts of Law cannot and ought not to ſupply. And as to the Evidence, this ought to be laid down for a Foundation, that it ought to be certain, ſuch as no Man doubts of, or can well make himſelf doubt of; for if there appears no more but a juſt ſuſpicion after the whole is taken altogether, certainly in that caſe the Priſoner ought to be acquitted. But if the Evidence comes ſo home, that if a Jury were to try one for Felony upon ſuch Proof, it cannot be ſuppos'd that they would go from the Bar; then, tho there ſhould be ſuch defects in it, that by the Rules of Inferior Courts, and by the Law lately paſſed, a Man could not be reach'd upon it; here would a ſtrange Return to the Crown for paſſing ſuch a Law, in which a particular Exception was made as to Proceedings upon Impeachments, or other Proceedings in Parliament, if upon new and ſtrange Emergences, and when we were ſo lately in ſuch viſible and imminent danger, the Parliament would not proceed according to that Power that was inherent in it, and had been ever reſerv'd to it. They were to arrive at Juſtice, whatſoever might lie in their way. Juſtice was ſtill to be ſacred: God forbid an innocent Man ſhould ſuffer; but he was a wiſe King as well as an inſpir'd Writer, who had made the acquitting the Guilty, a Crime equally odious with the condemning the Innocent.

French *Invaſion deſign'd.*

The fineſt part of the Debate.

Thus I have given you as fully as I could gather it, the Sum of the Argument as to the Matter in general. This was the fineſt part of the Debate, and of the moſt laſting uſe; here it was (as far as I could collect) that the much greateſt part of thoſe that liked not the Bill did ſtick: For beſides the averſion that all Men have for medling in Blood, many thought this might be made a common Practice. They could not ſee how far it might go; and therefore thought it ſafer to let the Bill fall, than to revive, or at leaſt fortify that which might become very dangerous in its Conſequences. For I am apt to think they had no concern for Sir *John Fenwick*, and did not doubt of his Guilt, only they had an averſion to the Precedent. And of thoſe who argu'd for it, I know divers who had great tenderneſs for the Matter, and much for Sir *John* in particular: But ſince they thought the thing juſt in it ſelf, the Circumſtances of Affairs both at home and abroad, made them conclude it to be neceſſary to paſs a Bill of that nature when it was once moved, ſince the rejecting it would have given great cauſe of Triumph to our Enemies, and muſt have very much diſheartned our Friends and Allies. This was not to be conſider'd till the Juſtice of the Point was firſt ſettled; for that would be, as if a Man were to die, becauſe it was expedient he ſhould die: but if it appear'd to be juſt, then the expediency of it had great weight as to the paſſing the Bill.

The paſſing the Bill neceſſary.

Steps made out of the Forms of Law, and why.

The ſecond Head of which I promis'd to give you an account, is the Reaſons on which ſome Steps were made out of the common Forms of Law. It was firſt in general urg'd, that here in a matter of Judicature, the Commons aſſum'd an equal ſhare with the Lords; and more particularly, that they who could not ſo much as tender an Oath, had yet judg'd a Man guilty of Treaſon, which ſeem'd contrary to natural Equity. To this it was anſwer'd, it was certain that in the way of Judicature the Commons could only be the Accuſers, and the Lords were the only Judges; but when they proceeded in the way of Legiſlation, both Houſes muſt concur. This was the Fate of all Bills of Attainders; ſome of theſe Bills were begun in the Houſe of Commons. In *Henry* the Eighth's Time, tho the Bills began in the Houſe of Lords, yet ſeveral perſons Names were added by the Commons, which was the beginning of it as to thoſe Perſons. That of the Earl of *Strafford* was begun by the Commons; ſo was alſo the lateſt Precedent, that of the Duke of *Monmouth*. It is true, the Commons cannot tender an Oath, yet Matters of Juſtice do oft paſs upon a bare Depoſition, where the Law doth not ſuffer an Oath to be tendred. So the Acquittal in Trials of Felony, and till the late Act was paſt in Trials of Treaſon, was upon Depoſitions that could not be upon Oath: Yet they might be believ'd, and Juries muſt give their Verdicts upon them if they believe them;

ſo

ſo the Commons believing the Depoſitions, might upon theſe paſs the Bill, tho no Oath could be tendred.

Another ſtep to which great exception was made, was the reading of *Goodman*'s Depoſition. It was ſaid this could not be admitted by Law. The Priſoner could not have the advantage of croſs examining him, ſince he did not appear face to face as is requir'd by Law; nor was it prov'd that Sir *John Fenwick*, or any imploy'd by him, had any way perſuaded *Goodman* to withdraw himſelf: It would be of very dangerous Conſequence if a Man ſo accus'd ſhould be condemn'd; for by this means a Witneſs, who, if produc'd *viva voce* to accuſe a Man, could not hurt him, being found inſufficient to convict him, yet ſhould have more power to hurt him by his Abſence than if preſent. *Goodman's Depoſition argued on.*

To this it was anſwer'd, that it was a known Maxim, that the Practice of Parliament was the Law of Parliament: and the conſtant Practice antiently had been to read Depoſitions. It is true, they were afterwards to conſider of what importance ſuch Depoſitions were, and what ſtreſs was to be laid on them; therefore there was Precedent enough for reading them, yet in Juſtice they ought to weigh every thing that could be offer'd to derogate from their Credit, as they were to hear every thing that was offer'd to defame him or to leſſen his Credit. Might it not be urg'd as well againſt the attainting Men after they were dead, that they could not croſs interrogate Witneſſes, nor offer Proofs for their own Juſtification? In ſuch Caſes there muſt indeed be ſuch a fulneſs of Proof, that it may appear that all Exceptions are vain Allegations, and no great Weight was to be laid on ſuch Objections.

Another ſtep was the examining the Grand Jury-men, who had found the Bill againſt Sir *John Fenwick*, as to the Evidence that *Goodman* had given before them againſt him. Thoſe who had been of Mr. *Cook*'s petty Jury were alſo examin'd as to the Evidence that *Goodman* gave in that Trial. The King's Counſel mov'd this, that thereby it might appear that *Goodman* had been always conſtant in his Evidence. *Examination of the Grand Jury Men.*

But to this it was objected, that it was againſt Law: Thoſe of the Grand Jury were under an Oath not to reveal the Secrets that were before them; whatſoever was ſworn before them was all to be examin'd over again in the Trial; ſo, that could not be brought as part of the Evidence, and thoſe who had tried another Man were not to be brought as Evidence, as to what had paſſed in a Trial to which Sir *John Fenwick* was not a party. It was alſo obſerv'd that thoſe Jury-men vary'd in the Report they gave of *Goodman*'s Depoſition. *Objection.*

But to all this it was anſwer'd, that Evidence might be brought to prove a Preſumption as well as to prove the main thing in iſſue. For ſince *Goodman* was gone, if any uſe was to be made of his Evidence, it was a ſtrong Preſumption either for or againſt it, if it ſhould appear that he was conſtant, or that he varied in it. The Parliament was now ſearching to find out Truth: ſo every thing was to be follow'd that might help towards that. They were afterwards to conſider what uſe they might make of it; ſo tho it might be againſt the Forms of Law, yet in the way in which they proceeded at preſent, it was very proper for them to examine into it. As for the *Oath of the Grand Jury to keep the Evidence ſecret*, it was an Oath in favour of the King; that ſo the Evidence might not be known to the Priſoner, till he ſhould be brought to his Trial. Since therefore this was an Oath to the King, they who were brought thither by his Counſel were freed from the Obligation of it; and ſince this was indeed Sir *John Fenwick*'s Trial, the end of the Oath was already anſwer'd, ſo that it did not bind them to conceal the Evidence that had been given before them. *Anſwer.* *The Grand Jury's Oath is to the K.*

As for thoſe who had been of Mr. *Cook*'s Jury, their Oath was not to be Evidence againſt another Perſon; It was only a Circumſtance that might direct them to judg what value they ought to ſet upon *Goodman*'s Depoſition. As for the Diſagreement that might be among them, the Jury-men themſelves, when firſt call'd in, declar'd they could not be poſitive in it as to Particulars; becauſe it was a good diſtance of time, and they had not ſufficient notice to think and recollect. And as to the Diſagreement, it was not in the Charge it ſelf, nor the Matter alledg'd againſt Sir *John Fenwick*; but it was only in ſome ſmall Circumſtances, in which men might vary who had heard the Depoſition but once; and ſo, are not like a Witneſs to a Fact, that he has ſeen or known, which he is ſuppos'd to reflect often upon; nor do they conſider more upon ſuch Occaſions, than whether the Evidence is ſo well made out, that they can give a general Verdict upon it. *The diſagreement of the Jury conſider'd.*

They

They therefore might misremember themselves as to some Particulars which were of less Consequence, that would undoubtedly be observ'd when it came to be debated how far *Goodman*'s Evidence was to be made use of, or to be depended on; which was afterwards little insisted on, and seem'd rather to be brought to shew the fairness of the Proceeding in the whole Matter, than to draw any Inferences from it to hurt the Prisoner.

Evidence against Sir J.Fenwick.

I come in the next place to tell you what the Evidence was, upon which Sir *John Fenwick* was believ'd guilty: I need not report Captain *Porter*'s Evidence, it being so oft in Print, as to this particular, both in Sir *John Friend*'s, in Sir *William Parkins*'s, and in *Peter Cook*'s Trial. All that was special here was, that he said that the Lords left the rest of the Company about five of the Clock, but he could not tell whither he went when he left the House, or whether he went home that or some following Nights. All the People of the House where they din'd were examin'd, who all deposed, that they were often coming to the Room where that Company was, the Doors being all the while open; that they saw not *Goodman* there, nor had ever seen him there, as they remember'd at any time; they believ'd he could not be there at that time. They also said that the Lords went away about four of the Clock, and to that Particular divers other Witnesses were examin'd, who all agreed that it was about four; so tho some of these Witnesses were not much consider'd, yet that Matter seem'd to be agreed on, that they left the House about four of the Clock, whereas *Porter* sware it was about five. A Record of Man-slaughter was also brought to lessen *Porter*'s Credit; and whereas he said he could not tell when he went home, it was urg'd, that from thence it must be concluded he was drunk, and so could be no proper Evidence to what past when he was in such a Condition. Some Disagreement was also observ'd in the printed Trials between the Evidence he gave as to *Charnock*'s coming to him after his Return from *France*; in one it being that he came to him after his Confinement to *Newgate*, and the other after he was freed from his Confinement. This was much insisted on; and upon this it was said, that as he was the single Evidence, so he was a very doubtful one. To all this it was opposed, that by one unquestionable Evidence it appear'd, that *Goodman* had once din'd in the House with Sir *John Friend*, so he was known to the House; and by another it was prov'd that he had given direction to call for him that very day at that House, so little Credit was due to the People of the House. As for the hour of their parting, when the Days are so long as in *May*, no Man can be positive to an hour, except some Circumstances oblige him to attend to it. A Man may think it is five, when it is but four; time seem'd to move quicker or slower as People were in hast or weary; so no stress could be laid on that. It is but an odd Inference that he was drunk, because he did not remember when he went to his Lodgings; other Considerations besides that might make a Man, who was too much a Libertine, not be able to give an account of himself. The Record of Man-slaughter did not at all affect his Fame or Credit in what he depos'd upon Oath.

Porter's *Evidence consider'd.*

The occasion of the varying in the Trials.

The varying in the Trials was occasion'd by the Difference between the Short-hand Writers; one had writ all the Depositions one way, another had vary'd in some. The Witnesses had complain'd to my Lord Chief Justice, after the Trials came out, that their Depositions had been wrong taken: one of the Short-hand Writers was not plac'd so advantageously as the other; besides that the mark in Short-hand writing that distinguishes between these two *after he was confin'd*, or *after his Confinement was over*, was so inconsiderable, that the exactest Writer might mistake; so the insisting so long on this was much wondred at.

Porter's *Evidence justify'd.*

Upon the whole Matter it was said, that tho a bad Man was at first a doubtful Witness, yet after so many Trials, so great a canvassing to find Matter to object against him, and that not one Point he had sworn was ever disprov'd, or so much as deny'd, by any who had died upon his Evidence; all this confirm'd his Credit beyond the possibility of calling it in question.

Commission to attack the King's Person.

They who had suffer'd, had study'd to cover the late King all they could, and deny'd that they had seen any Commission from him for assassinating the King; but in this they did not contradict Mr. *Porter*, he spoke not a word of a *Commission to assassinate the King*, but only of a *Commission to attack and seize his Person*, which none of them deny'd.

Sir J. Fr. *and Sir* W. P. *deny not the Evidence.*

If in any Circumstances he had sworn wrong, they to discredit him, and to save their Friends, could not have omitted to deny and contradict it. This not one of them has done; Sir *F. Friend* and Sir *W. Parkins* had this very Matter objected to them, it was a part of the Evidence against them, yet they died without denying it;

it; which is not poſſible to ſuppoſe they would or could have done, if it had been falſe; ſince it would have diſcredited the Evidence, and ſo have been a means to ſave their Friends. This is the Nature of a violent Preſumption, which really goes further to ſatisfy a Man's Mind than ten Witneſſes; for one may ſuſpect them all, how full or home ſoever they ſwear: but this forces it ſelf ſo upon a Man, that it determines his Aſſent, he believes it becauſe he cannot doubt of it; and therefore they concluded that Capt. *Porter* was not a doubtful Witneſs, but an undoubted one, ſince his Evidence was fortified with ſo many violent Preſumptions as every one of the dying Men had given to it; but moſt particularly by what *Friend* and *Parkins* had ſaid, who juſtify'd themſelves in what they had done, but deny'd no part of that which was objected to them. This is more than any Jury in Caſes of Felony would require to determine them to bring in their Verdict, and ſo muſt be enough to determine the Houſes of Parliament.

Goodman's Evidence was not much inſiſted on. It was prov'd that he had been a common Highway-man; a Record was brought of deſigning to murder two of the Dutcheſs of *Cleveland*'s Sons; beſides moſt horrid Blaſphemies, that could ſcarce be heard with Patience. It was not prov'd that any in Sir *John Fenwick*'s Name had practis'd with him to withdraw, ſo it might be preſum'd that Horror for his falſe ſwearing might have been his Motive. To all this it was ſaid, that tho it appear'd that he was a very wicked Man; yet ſince theſe Perſons, as it was prov'd, had kept him Company much, they made him a more creditable Witneſs againſt themſelves, than he could be againſt any other Perſon. The concurring Circumſtances in this Matter gave credit to his Teſtimony; for as to black things, very wicked Men, when ſupported by other Preſumptions, muſt be credited, ſince ſuch Perſons are the only proper Tools to be employ'd on ſuch Occaſions. It is true, it was not prov'd, that any in Sir *John Fenwick*'s Name had practis'd on him to go out of the way: But a Practice of corrupting *Porter* to go out of the way had been fully prov'd; in which the Lady *Mary Fenwick*, and Sir *John*'s Sollicitor, had been concern'd; which gave a ſtrong Preſumption againſt him, and a juſt Cauſe of Suſpicion, that he was alſo concern'd in the withdrawing the other Witneſs: But that was only a Suſpicion.

Goodman's Evidence.

Another Practice that was prov'd to be carry'd on to diſcredit his Evidence, was alſo brought as a Preſumption; but that gave only occaſion to another Suſpicion as to the withdrawing of *Goodman*: So the Buſineſs of *Goodman* was little inſiſted on.

Another Matter was more urg'd; when Sir *John* was firſt taken, he writ a Letter to his Lady (which was taken from the Perſon to whom the conveying it was committed) in which, beſides many other Directions (by all which it appear'd he look-ed on his own Caſe as deſperate) he advis'd her to try, by Mony, to gain ſome of the Jury, to *ſtarve the reſt*; and added, *that or nothing muſt ſave my Life*. This was then brought to the Lords Juſtices (as was teſtify'd at the Bar of the Houſe of Lords) And upon his firſt Examination before them, in which he deny'd every thing, they told him he was not of that mind when he writ that Letter, which was then ſhew-ed him; to which he ſaid nothing, but laid it down, and was ſilenc'd by it: That was conſider'd as an implicit confeſſing of it.

Sir J. F's *Letter to his Lady produc'd.*

Some thought to have taken off this, by ſaying it was like the proceeding in Col. *Sidney*'s Caſe, upon the Similitude of Hands. But the barbarouſneſs of that Caſe was, that a Book found lying in a Man's Study, writ many Years before, was brought to ſupply the want of a ſecond Witneſs, of a Treaſon of a few months ſtanding. It could not have been deny'd, but that if there had been Witneſſes againſt *Sidney*, tho doubtful ones, it was a violent Preſumption to ſupport their Credit, if it had appear'd by a Book of his own writing that he thought Kings might lawfully be put to Death. This was not urg'd as an Evidence, but as a violent Preſumption, that Sir *John* knew himſelf guilty, and ſuch certainly it was. But as *Sidney*'s Caſe was urg'd, ſo the Lord *Ruſſel*'s Caſe was alſo inſiſted upon, which had been ever thought hard, that upon ſome tranſient Diſcourſes he had been condemn'd; and it was alledg'd that theſe were only Diſcourſes at a Tavern. But there was a vaſt difference between the one and the other: In the Lord *Ruſſel*'s Caſe there were only Diſcourſes of the feaſibleneſs of ſeizing the Guards, but nothing was reſolv'd on; and not one word was ſworn to have been ſpoken by him. Whereas here, a Meſſage was agreed on, a Meſſenger was ſent to invite over a *French* Army; which were plainly *Overt Acts*.

This Evidence different from that of Algernon Sidney.

This Caſe different from that of the Lord Ruſſell.

The

Delays us'd to put off the Trial. The laſt thing I ſhall take notice of, is the Delay us'd by Sir *John* after his Apprehenſion. According to the Contents of the Letter to my Lady *Mary* (which was talk'd of in *Kent* ſoon after 'twas written) very ſedulous Endeavours were us'd to have his Trial poſtpon'd; that ſeem'd to be upon ſome Deſign, which he truſted to more than his Innocence. *Goodman* having been apprehended, and Evidence having been given by him againſt Sir *John Fenwick* before a Juſtice of Peace, the Grand Jury and Petty Jury, upon the Trial of Mr. *Peter Cooke*, who was condemn'd upon that Evidence; they ſaw that what was ſufficient to convict Mr. *Cooke* was ſufficient to convict Sir *John*, the Evidence being as ſtrong againſt the one as the other.

Now what Courſe could be taken? One was a Pretence to make a Diſcovery, and to get time by ſending a Letter over Sea to the King; in which, 'tis ſaid, he inform'd againſt ſeveral, both Lords and Commons, only upon Hearſay: in the mean while ſaying little that, after the Act of Grace, could touch his own Party, tho it might be preſum'd he knew more of them than others.

Endeavors to bribe the Witneſſes. Another Artifice (and which all this Train ſeem'd to lead to) was to prevail with one of the Witneſſes to withdraw. *Porter* was firſt try'd; but he was not to be dealt with (as they perceiv'd) no Mony would buy him off, nor was he to be wheedled or frighted.

But at length by ſome means (and what they were, we may gueſs by their Attempt upon *Porter*) *Goodman* went out of the way.

Which being effected, Sir *John* was ſafe (ſince the late Act requires two preſent Witneſſes) *for without a Bill of Attainder it was impoſſible he could fall under the Sentence of Death*, as he ſaith in his laſt Paper.

This was a more effectual Courſe than to get two or three who could ſtarve the reſt of the Jury: So he gives Direction in his Letter to my Lady *Mary*, if my Memory does not extremely fail me; adding, *That or nothing can ſave me.*

This Sir *John* depended ſo much upon, that upon *Goodman*'s abſconding, he let fall his Pretences of making a Diſcovery for the preſent.

The Bill paſt the H. of C. But this Bill having paſs'd the Commons, was brought up to the Lords; where after a full and long Debate, and before the third Reading, Sir *John* was ask'd what he had to ſay: he deſir'd (as I was inform'd) three things.

3 things ask'd by the Priſoner of the Lords. 1. That (according to what had been at firſt promis'd by the Lords) what he ſhould ſay in that Court might not be made uſe of againſt him in any inferior Court; and alſo that he might have an Aſſurance of it from the King (for ſo he all along call'd him, tho the Paper-writer gives him no other Title than *Prince of Orange.*)

2. That he might have a Pardon before he confeſs'd.

3. That he might not be made uſe of as an Evidence after it.

1. Granted. The King was petition'd by the Lords for the firſt, and it was granted.

2. Thought unreaſonable. The ſecond, it ſeems, was thought unreaſonable; but yet (as I have heard) ſo far comply'd with, that he was told, If he made ſuch a Confeſſion as would be ſatisfactory to that Houſe, they would therein alſo intercede with the King; and bid him reſt aſſur'd that they did not then doubt of the King's Favour, as to both the laſt.

The Bill paſt the H. of L. But he did not think himſelf ſecure, as he ſaid, and ſo the Bill paſs'd.

Thus I have given you, in as few words as I could, the Sum of this long Evidence. What remains but to conſider the Circumſtances relating to it, ſo far as I was enabled to learn.

His Petition to the King. One main part of which was a Petition deliver'd by the Lords, at the Lady *Mary*'s Requeſt, to the King, for a Suſpenſion of the Execution for eight days, to which the Narrative was annex'd, ſignifying that when time was he had ſav'd the King's Life; and beſides it was alledg'd that he wanted the Aſſiſtance of a Divine. The former was of no force, for this Act (which he now challengeth to himſelf the benefit of) was a year before the laſt intended Aſſaſſination, and the Aſſaſſines were ſuch as he freely and intimately convers'd with afterward; and yet he gave no notice of it to the King, nor to any one elſe that I could hear of; which if he had, Sir *John* would moſt certainly have made uſe of this Pretence in the Paper deliver'd to the Lords, and at his death have juſtify'd himſelf upon it. The Neglect of which before, and the Omiſſion of it afterwards, gave too great reaſon to ſuſpect that it might be with him as it was with *Lowick* and (*a*) *Rookwood*, who abhor'd the Fact, but thought themſelves however oblig'd, contrary even to their own Senſe, to obey Orders; according to the Commiſſion which *Croſsby* aſſur'd them he ſaw

(*a*) *Vid.* Rookwood's *Trial*, p. 52.

ſign'd

ſign'd by King *James* at *St. Germains*, and was ſent away for *England* before he came from thence.

So *Knightly abominated the thing as much as any Man living; yet under ſome honorable and fair Pretence became ſo far engag'd, that by a miſtaken Notion of Honor, he thought he could not retreat without the Infamy of Cowardiſe*; to uſe his own words, which were read in Court, when he came to be try'd.

The latter Pretence is frivolous [*That he had no Miniſters*] for I have been credibly inform'd that he had firſt of all the Offer made of any of the Clergy that had taken the Oaths; and among the Biſhops ſuch as had diſſented about the Bill of Attainder. And when that was not accepted, he had his choice of three or four Non-jurants; and by their Refuſal he made it neceſſary to the Government to permit none at all, or the late Biſhop of *Peterborough* only; ſince the others that were Nonjurants refus'd to attend him, upon pretence that they might have the Oaths tender'd them, and ſo ſtand convicted; a Pretence that Dr. *White* and all the Nonjurants were alike liable to: But ſurely when they might have had leave from the Government to go, they might as well rely on the Juſtice and Honor of the Government, as live under the Protection of it.

Miniſters allow'd him, but refus'd by him.

I come now to the laſt part which I promis'd, which is to make ſome Reflections upon the Paper which he deliver'd to the Sheriff.

Of what ſtamp this Writing is, we may eaſily judg. The artificial Contrivance of it, the little Avoidances and Cautions ſtuck in every where, ſhew that they are not the words of one that had no Talent in writing, nor the free and undiſguis'd Thoughts of one that was immediately to die. He profeſſes to die in the Communion of the Church of *England*; but whether this Paper be conſiſtent with the Simplicity and Candor taught and requir'd by that Church, eſpecially in our laſt hours, let the Reader judg.

Reflections on the Paper deliver'd to the Sheriff.

It doth not mightily concern the World to know what Religion Sir *John Fenwick* was of. I know no Perſuaſion over-zealous to challenge him as theirs. I fear he was rather of a Party than of a Religion; and that was the Cauſe he died in. I acknowledg there was a Deſign of a Party to have made him a Martyr, as they had contriv'd it: If the ſecond Petition offer'd to the Lords had been receiv'd without Alterations, and when preſented to the King, had been intirely comply'd with; if he had been reſpited for eight days, according to the Petition, he had then ſuffer'd on the 30*th* of *January*, the Anniverſary of a noted Martyr of bleſſed Memory, with whom he was not fit to be ſo much as nam'd the ſame day.

More of a Party than of a Religion.

He ſaith, *My Religion taught me my Loyalty, which, I bleſs God, is untainted: And I have ever endeavour'd, in the Station wherein I have been plac'd, to the utmoſt of my Power, to ſupport the Crown of* England *in the true and lineal Courſe of Deſcent without Interruption.*

Now I would know what is meant by the true and lineal Courſe of Deſcent? If he means thereby the next in Blood without any Interruption, where is this always to be found? not in our Hiſtories, nor in our Laws. *Edward* the Confeſſor (whoſe Croſs was ſome years ſince ſo much reverenc'd by the late King, and who himſelf was eſteem'd a Guardian Saint) broke that lineal Deſcent both in taking the Crown and leaving it at his death; and whatever is due to the Blood, was never thought abſolutely due to the Perſon, nor to the next in this lineal Courſe of Deſcent.

Lineal Succeſſion no where found.

Neither our Religion nor our Law teaches ſuch a kind of Loyalty. It is not our Religion, but the Law that determines our Loyalty as to the Particulars of it; and ſo far, ſuch as our Law determines our Loyalty to be, ſuch doth our Religion determine it. Now what Law is there to keep a Prince by violence from leaving his People? That requires us to ſupport the Crown on him, who will hold it upon no other Terms, than that his Will and Pleaſure may be above it? What Law that obliges us to adhere to and aſſiſt him, who, contrary to our Oaths of Allegiance and Supremacy, as well as thoſe at his own Coronation, will ſubjugate his People to a foreign Prelate or Potentate? And that would put himſelf wholly in the power of ſuch a Prince, whom above all in the World his People had no reaſon to expect Favour from? I know no ſuch Law, nor any ſuch Church of *England*, that teaches ſuch Loyalty in any of thoſe Books that are the Standard of it. And yet this is the Loyalty he (as he profeſſes) dies innocently for, and which he endeavour'd to the utmoſt of his Power to ſupport.

Loyalty determin'd by Law, not by Religion.

The Pret. P. of W. But farther, who is concern'd in this true and lineal Courſe of Deſcent? It is in his opinion the pretended Prince of *Wales*; whom he prays for in the Concluſion, and of whom he ſaith, *it is impoſſible the Nation ſhould proſper, till the Government is ſettled upon its right foot.* A Pretence which their way of proof made at the beſt very doubtful. And we know who once ſaid it, that *in dubiis melior eſt conditio poſſidentis.* Certainly we ſhall be upon a very wrong foot, if we depart from the Act of Settlement.

He goes on, *As for what I am now to die, I call God to witneſs, I went not to that Meeting in* Leadenhall-ſtreet *with any ſuch Intention, as to invite K.* James *by Force to invade this Nation; nor was I my ſelf provided with either Horſe or Arms, or engag'd for any Number of Men, or gave a particular Conſent for any ſuch Invaſion, as is moſt falſly ſworn againſt me.*

The Meeting in Leadenhall-ſtreet. But what is become of the other Meeting at Mrs. *Montjoy's*? that's perfectly drop'd. And as for this at *Leadenhall-ſtreet*, that he cannot deny; nor doth he venture to call that part of the Evidence in queſtion, which ſpeaks to the Time or Perſons, or the Matter then diſcours'd upon.

But what hath he then to ſay? He came not thither *with any Intention to invite King* James *by Force to invade this Nation.* Was this ſworn againſt him? It was not the Intention before-hand, but the ſubject Matter of the Diſcourſe that was prov'd upon him; if there was nothing of that kind, no Deſign form'd, no Meſſage or Meſſenger ſent to invite King *James*, that is as ſoon deny'd as the Intention. But of that not a word.

But however, he betakes himſelf to another Shift, *viz. He was not himſelf provided with either Horſe or Arms, or engag'd for any number of Men.* A very doubtful way of Expreſſion! *He was not himſelf provided*; but what need was there of a preſent Proviſion, when the Service was to be at ſome months diſtance? Or what if he was not himſelf provided, if it was to be provided for him? What need of any ſuch Proviſion, when (as it was confeſs'd) they were upon the Inſtant to ſeize Horſe and Arms when occaſion ſhould be? And ſo it was formerly in the Gunpouder Treaſon.

He ſaith, he was *not engag'd for any Number of Men*; but was he not one of thoſe that were to raiſe 2000 Men in the groſs? and it was not neceſſary the Quota of each particular Perſon ſhould at that Meeting be ſet out.

His Conſent. He goes on, *Nor did I give particular Conſent for any ſuch Invaſion*; that is not ſo charg'd upon him. All roſe up and ſaid to *Charnock*, *Yes you may.* Whether it was general, or whether it was a particular Conſent, is not the point. The Conſent it ſeems is not deny'd; and then where the Perjury is, we are yet to ſeek.

He proceeds, and *I do alſo declare in the preſence of God, That I knew nothing of King* James's *coming to* Calais, *nor of any Invaſion intended from thence, till it was publickly known: And the only Notion I had that ſomething might be attempted, was from the* Thoulon *Fleet coming to* Breſt.

The Notice the Conſpirators had of the Invaſion. If this is true, it is evident the *Engliſh* were truſted with no more of the Secret than was abſolutely neceſſary. It was found fit that the Aſſaſſination ſhould lie upon them; it was a deſperate piece of Service, and if thoſe forlorn Wretches periſh in it, let them periſh.

But as to the Invaſion, the *when* and the *whence*, it was lodg'd with others, to whom the Profits and Advantages of a Conqueſt were reſerv'd. It was ſufficient that when theſe Conſpirators heard the *Thoulon* Fleet was come to *Breſt*, then upon this Signal they were to be in readineſs, and with the Horſe they had or could ſeize, were to make their way as they could to the Coaſt, when they heard their Friends were landed. This, it ſeems, was the only Notion Sir *John*, and the reſt (I ſuppoſe with him) had of the Invaſion; and he ſaith, he knew it not till it was publick.

The Information he gave, he is willing to make the beſt of in the next Paragraph; for, ſaith he, *I alſo call God to witneſs, that I receiv'd the knowledg of what is contain'd in thoſe Papers, that I gave to a Great Man that came to me in the Tower, both from Letters and Meſſages that came from* France; *and he told me when I read them to him, that the Prince of* Orange *had been acquainted with moſt of thoſe things before.*

This was what he himſelf did not believe, when he talk'd of it long before (as one has affirm'd) but yet was pleas'd with it, becauſe it would create Suſpicions and Jealouſies.

He acquaints us with another part of the Secret, that the Great Man to whom he imparted it, could tell him the Prince of *Orange* had been acquainted with the moſt of this before. But what was it? Not that the Great Man knew of theſe Lords and Commons he accus'd, but of an Intelligence in general that paſs'd between *England* and *France*.

As

As for his Expectation of Mercy from that Prince whose Life he pretended to have sav'd, it has been already consider'd.

He goes on, as he began, with a profession of his Innocence, the accusing others of seeking his Blood, and charging the Guilt of it upon the whole Nation; for saith he, *I beg of God to pardon those who with great Zeal have sought my Life, and brought the Guilt of my innocent Blood upon this Nation; no Treason being prov'd upon me.*

Other Malefactors may as well accuse the Judges and Juries, and Courts of Justice for seeking their Lives, when they are convicted, condemn'd, and to be executed for their Crimes. But why doth he thus arraign those that were concern'd in the Bill? Was he indeed innocent? Was no Treason prov'd upon him? This he saith, and saith it when he comes to die. And yet if we believe not the Evidence of others only, but himself, it is plainly otherwise. What was the meaning of his Confusion in his Letter to his Lady? *Pretences of Innocence examin'd.*

What becomes of his Privity to the first Design of the Assassination, which he did not discover? What of his Offers to confess again and again? What of his owning the Meeting, the Design, *&c?* How then is he innocent? No, saith he, *no Treason being prov'd upon me.* Was there no Treason in inviting a foreign Force? No Treason in joining with it? No Treason in holding a Correspondence with the greatest Enemies of the Government and Nation? The matter of fact was too plain to be deny'd; and it was of that nature, which in the ordinary Construction of the Law is Treason. *Merit of the first Discovery examin'd.*

Here then was Guilt, here was Treason. And how then can there be innocent Blood, and of that Malignity as to lie upon the Nation? *Guilt and Treason prov'd against him.*

It must wholly rest then upon the proof; *no Treason being prov'd upon me.* So that let the Malefactor be ever so guilty, he may protest his Innocence, and charge the Guilt of innocent Blood upon the Nation, if it is not in every Punctilio prov'd upon him. And yet this is all his Innocence is supported upon, as appears by what follows, *viz. I return my most hearty Thanks to those Noble and Worthy Persons who gave me their Assistance, by opposing this Bill of Attainder; without which it had been impossible I could have fallen under the Sentence of Death.*

Why impossible? Might he not expect as much Justice from both Houses of Parliament, as from the Ministers of Justice, and the Juries in the inferior Courts? Had he not the Privilege of being heard by his Counsel, and the Favour of all that could be said in his behalf by those Noble and Worthy Persons that in both Houses were against the Bill? Was he not himself heard and re-heard to the very utmost, and had all the Advantages allow'd that one that stood thus accus'd could, and more than he could reasonably expect? Why was it then impossible? The Reason is evident, because the other Witness was withdrawn; and according to the late Act, one in the ordinary Course of Law being not sufficient, how clear soever the Proof otherwise was, therefore without the Bill of Attainder it was impossible. And thus we see at last upon what point his Profession of Innocency turns, and that he dies with the Charge of the Guilt of his innocent Blood upon the Nation; and that is because of the Attainder: and then all Attainders must be condemn'd; and if so, he is innocent: but if that Course of Law is to be justified, as surely it is (and has been before shew'd) then he is guilty, and the Treason clearly and sufficiently prov'd upon him. So that upon the whole, there is little else than Reservation and Equivocation; the Defence of which we leave to another Church, for that belongs not to the Church he professes to die a Member of. *Favors and Privileges allow'd him in both Houses.* *The Attainder justify'd.*

If we were to construe his words (if his they were, otherwise than he made them such by his owning of them) according to the Contrivance of the rest, which are so full of Ambiguity and abstruse and doubtful meaning; those Noble and Worthy Persons who have his Thanks, are no more beholden to him, than the others he charges with seeking his Life, when he saith of them, I am fully satisfied *they pleaded their own Cause when they pleaded mine.* But whatever he meant, those Noble and Worthy Persons have given too great Assurances of being otherwise inclin'd, to have any thing of that nature made use of to their disadvantage.

He concludes with a Prayer; but it is also a fixing on himself the Fact he stood charg'd with and died for: it is for the abdicated King and the spurious Prince; that is, for the maintaining of that Cause, which, he saith, he *endeavour'd to his utmost power to promote.*

Upon the whole it appears by his and his Friends Conduct, as well as by his Treasonable Practices, he had made it necessary to the Government to let the Sentence

The Clemency of the Government abus'd.

take effect. It was the Clemency of the Government that has embolden'd the Enemies of it to proceed the more confidently in these Practices; and at length to conclude, that because it did not, it therefore durst not punish them.

I know not how to conclude better than in the words of Parliament, in their late Act *for better Security of his Majesty's Royal Person and Government*; it saith, *They have been deliver'd from the bloody and barbarous Attempts of Traitors and others his Majesty's Enemies, who, there is just reason to believe, have been in great measure encourag'd to undertake and prosecute such their wicked Designs, partly by his Majesty's great and undeserv'd Clemency towards them, and partly by want of a sufficient Provision in the Law for securing Offices and Places of Trust to such as are well affected to his Majesty's Government, and for the repressing and punishing such as are known to be disaffected to the same.*

Printed in Octob. 1697.

An ARGUMENT *shewing, That a* Standing Army *is inconsistent with a Free Government, and absolutely destructive to the Constitution of the* English *Monarchy.*

DEDICATION,

To all those whom it may concern.

Qui capit ille facit.

Invective against the Courtiers.

WHEN I consider your great Zeal to your Country, how much you have expos'd your selves for its Service, and how little you have improv'd your own Fortunes, I think it is but Justice to your Merits to make your Encomiums the Preface to the following Discourse. 'Tis you that have abated the Pride, and reduc'd the Luxury of the Kingdom: You have been the Physicians and Divines of the Commonwealth, by purging it of that Dross and Dung, which corrupts the Minds, and destroys the Souls of Men. You have convinc'd us, that there is no Safety in Counsellors, nor Trust to be put in Ships under your Conduct.

You have clear'd the Seas, not of Pirates, but of our own Merchants, and by that means have made our Prisons as so many Store-houses to repleniſh your Troops. In fine, to use the Expression of the Psalmist, Your Hearts are unsearchable for Wisdom, and there is no finding out your Understanding. *When I consider all this, and compare your Merits with your Preferments, how you came by them, and your Behaviour in them, I cannot but think a Standing Army a collateral Security to your Title to them, and therefore must commend your Policy in promoting it.* For by these Kings reign, and Princes decree Justice. *These will be our Magistrates, who will not bear the Sword in vain. These, like the Sons of* Aaron, *will wear their* Urim *and* Thummim *on their Backs and Breasts, and will be our Priests, who will hew the Sinners to pieces, as* Samuel *did* Agag *before the Lord in* Gilgal. *By these you will be able to teach us Passive Obedience, as Men having Authority, and not as the Scribes.*

Scribes. *You will have your Reaſons in your Hands againſt reſiſting the higher Powers, and will prove your* Jus Divinum *by the Sword of the Lord and of* Gideon.

Your Honours moſt obedient Slave and Vaſſal,

A. B. C. D. E. F. G.

An Argument ſhewing, That a Standing Army is inconſiſtent with a Free Government, &c.

WHEN I conſider what a diſmal Scene of Blood and Deſolation hath appear'd upon the Theatre of *Europe* during the Growth and Progreſs of the *French* Power, I cannot ſufficiently applaud and admire our thrice happy Situation, by which we have long enjoy'd an uninterrupted Courſe of Peace and Proſperity, whilſt our neighbouring Nations have been miſerably haraſs'd by perpetual War: For lying open to continual Invaſion, they can never enjoy Quiet and Security, nor take a ſound ſleep, but *Hercules* like with Clubs in their hands. So that theſe *Halcyon* Days which we enjoy amidſt ſuch a univerſal Hurricane, muſt be ſolely attributed to our Tutelar God *Neptune*, who with a Guard of winged Courſers ſo ſtrongly intrenches us, that we may be ſaid to be *mediâ inſuperabiles undâ*, and not unfitly compar'd to the Earth, which ſtands fix'd and immovable, and never to be ſhaken but by an internal Convulſion. And as Nature has been thus liberal to us in our Situation, ſo the Luxuriancy of our Soil makes it productive of numerous Commodities for Trade and Commerce: And as this Trade renders us Maſters of the Silver and Gold of the Eaſt and Weſt without our toiling in the Mine, ſo it breeds us multitudes of able-body'd and skilful Seamen to defend the Treaſures they bring home; that even Luxury it ſelf, which has been the Bane and Deſtruction of moſt Countries where it has been predominant, may in ſome meaſure be eſteem'd our Preſervation, by breeding up a Race of Men amongſt us, whoſe manner of Life will never ſuffer them to be debauch'd or enervated with Eaſe or Idleneſs. But we have one thing more to boaſt of beſides all theſe Felicities, and that is, of being Freemen, and not Slaves in this unhappy Age, when a univerſal Deluge of Tyranny has overſpread the face of the whole Earth; ſo that this is the Ark out of which if the Dove be ſent forth, ſhe will find no reſting-place till her Return.

Advantages of our Situation.

Our Conſtitution is a limited mix'd Monarchy, where the King enjoys all the Prerogatives neceſſary to the Support of his Dignity, and Protection of his People, and is only abridg'd from the Power of injuring his own Subjects: In ſhort, the Man is looſe, and the Beaſt only bound; and our Government may truly be call'd an Empire of Laws, and not of Men; for every Man has the ſame Right to what he can acquire by his Labour and Induſtry, as the King hath to his Crown, and the meaneſt Subject hath his Remedy againſt him in his Courts at *Weſtminſter:* No man can be impriſon'd, unleſs he has tranſgreſs'd a Law of his own making, nor be try'd but by his own Neighbors. So that we enjoy a Liberty ſcarce known to the antient *Greeks* and *Romans*.

The Conſtitution, a limited Monarchy.

And leſt the extraordinary Power intruſted in the Crown ſhould lean towards Arbitrary Government, or the tumultuary Licentiouſneſs of the People ſhould incline towards a Democracy, the Wiſdom of our Anceſtors hath inſtituted a middle State, *viz.* of Nobility, whoſe Intereſt it is to trim this Boat of our Commonwealth, and to skreen the People againſt the Inſults of the Prince, and the Prince againſt the Popularity of the Commons; ſince if either Extreme prevail ſo far as to oppreſs the other, they are ſure to be overwhelm'd in their Ruin. And the meeting of theſe three States in Parliament is what we call our Government: for without all their Conſents no Law can be made, nor a penny of Mony levy'd upon the Subjects; ſo that the King's Neceſſities do often oblige him to ſummon this Court,

Court, which is the Grand Inqueſt of the Kingdom, where the People ſpeak boldly their Grievances, and call to account overgrown Criminals, who are above the reach of ordinary Juſtice: ſo that the Excellence of this Government conſiſts in the due Balance of the ſeveral conſtituent Parts of it; for if any one of them ſhould be too hard for the other two, there is an actual Diſſolution of the Conſtitution; but whilſt we continue in our preſent Condition, we may without vanity reckon our ſelves the happieſt People in the World.

Some Defects in our Government.

But as there is no degree of human Happineſs that is not accompanied with ſome Defects, and the ſtrongeſt Conſtitutions are moſt liable to certain Diſeaſes; ſo the very Excellence of our Government betrays it to ſome Inconveniences, the Wheels and Motions of it being ſo curious and delicate that it is often out of order, and therefore we ought to apply our utmoſt Endeavours to rectify and preſerve it: and I am afraid it is more owing to the accident of our Situation, than to our own Wiſdom, Integrity or Courage, that it has yet a Being, when we ſee moſt Nations in *Europe* over-run with Oppreſſion and Slavery, where the Lives, Eſtates and Liberties of the People are ſubject to the lawleſs Fancy and Ambition of the Prince, and the Rapine and Inſolence of his Officers; where the Nobility, that were formerly the bold Aſſertors of their Country's Liberty, are now only the Enſigns and Ornaments of the Tyranny, and the People Beaſts of Burden, and barely kept alive to ſupport the Luxury and Prodigality of their Maſters.

Liberty loſt in ſeveral Nations.

And if we enquire how theſe unhappy Nations have loſt that precious Jewel *Liberty*, and we as yet preſerv'd it, we ſhall find their Miſeries and our Happineſs proceed from this, That their Neceſſities or Indiſcretion have permitted a Standing Army to be kept amongſt them, and our Situation rather than our Prudence hath as yet defended us from it, otherwiſe we had long ſince loſt what is the moſt valuable thing under Heaven: For, as I ſaid before, our Conſtitution depending upon a due Balance between King, Lords and Commons, and that Balance depending upon the mutual Occaſions and Neceſſities they have of one another; if this Cement be once broke, there is an actual Diſſolution of the Government. Now this Balance can never be preſerv'd but by a union of the natural and artificial Strength of the Kingdom, that is, by making the Militia to conſiſt of the ſame Perſons as have the Property; or otherwiſe the Government is violent and againſt Nature, and cannot poſſibly continue, but the Conſtitution muſt either break the Army, or the Army will deſtroy the Conſtitution: for it is univerſally true, that wherever the Militia is, there is or will be the Government in a ſhort time; and therefore the Inſtitutors of this *Gothick* Balance (which was eſtabliſh'd in all Parts of *Europe*) made the Militia to conſiſt of the ſame Parts as the Government, where the King was General, the Lords by virtue of their Caſtles and Honours the great Commanders, and the Freeholders by their Tenures the Body of the Army; ſo that it was next to impoſſible for an Army thus conſtituted to act to the Diſadvantage of the Conſtitution, unleſs we could ſuppoſe them to be Felons *de ſe*. And here I will venture to aſſert, that upon no other Foundation than this can any Nation long preſerve its Freedom, unleſs ſome very particular Accidents contribute to it: and I hope I ſhall make it appear, that no Nation ever preſerv'd its Liberty, that maintain'd an Army otherwiſe conſtituted within the Seat of their Government: and let us flatter our ſelves as much as we pleaſe, what happen'd yeſterday will come to paſs again, and the ſame Cauſes will produce like Effects in all Ages.

Patriots in the late Reign for a Standing Army now.

And here I can't avoid taking notice of ſome Gentlemen, who a few Years ſince were the pretended Patriots of their Country, who had nothing in their Mouths but the ſacred name of *Liberty*, who in the late Reigns could hardly afford the King the Prerogative that was due to him, and which was abſolutely neceſſary to put in motion this Machine of our Government, and to make the Springs and Wheels of it act naturally, and perform their Function: I ſay, theſe Gentlemen that could not with patience hear of the King's ordinary Guards, can now diſcourſe familiarly of twenty thouſand Men to be maintain'd in times of Peace; and the odious Excuſe they give for this infamous Apoſtacy is, That if they ſhould not gratify the Court in this modeſt Requeſt, another Party would be careſſed who will grant this, or any thing elſe which is ask'd, and then they ſay Matters will be much worſe; as if Arbitrary Government was a different thing in their hands from what it is in others, or that the Lineaments and Features of Tyranny would become graceful and lovely when they are its *Valet de Chambres*. But let them not deceive themſelves, for if they think to make their Court this way, they will quickly find themſelves outflatter'd by the Party they fear, who have been long the Darlings of Arbitrary Power,

Power, and whoſe Principles as well as Practices teach them to be Enemies to all the legal Rights and juſt Liberties of their native Country; and ſo theſe wretched Bunglers will be made uſe of only to bring together the Materials of Tyranny, and then muſt give place to more expert Architects to finiſh the Building.

The Nation ſecure from Fears during the King's Life.

And tho we are ſecure from any Attempts of this kind during the Reign of a Prince, who hath reſcu'd us from a Captivity, equal to what *Moſes* redeem'd the People of *Iſrael* from; A Prince whoſe Life is ſo neceſſary to the preſervation of *Europe*, that both Proteſtant and Popiſh Princes have forgot their antient Maxims, and laid aſide their innate Animoſities, and made it their common Intereſt to chuſe him their Patron and Protector; A Prince in whom we know no Vices, but what have been eſteem'd Virtues in others, *viz.* his undeſerv'd Clemency to his Enemies, and his expoſing too much that Life upon which depends not only our Safety, but the Liberties of all *Europe*, and the Proteſtant Religion through the World: I ſay, was this moſt excellent Prince to be immortal (as his Great and Glorious Actions) we ought in common prudence to abandon all thoughts of Self-preſervation, and wholly to rely on his Care and Conduct. But ſince no Virtue nor pitch of Glory will exempt him from paying the common Debt to Nature; and Death hath a Sythe which cuts off the moſt noble Lives; we ought not to intruſt any Power with him, which we don't think proper to be continu'd to his Succeſſors. And doubtleſs our great Benefactor will not regret this, or any thing elſe that can reaſonably be demanded in order to compleat that Deliverance ſo far advanc'd by his invincible Courage and Conduct. For to ſet us, like *Moſes*, within view of the promis'd Land, with a *ne plus ultra*, is the greateſt of all human Infelicities; and ſuch I ſhall always take our Caſe to be, whilſt a Standing Army muſt be kept up to prey upon our Entrails, and which muſt in the hands of an ill Prince (which we have the misfortune frequently to meet with) infallibly deſtroy our Conſtitution. And this is ſo evident and important a Truth, that no Legiſlator ever founded a free Government, but avoided this *Charybdis*, as a Rock againſt which his Commonwealth muſt certainly be ſhipwrack'd, as the *Iſraelites*, *Athenians*, *Corinthians*, *Achaians*, *Lacedemonians*, *Thebans*, *Samnites* and *Romans*; none of which Nations, whilſt they kept their Liberty, were ever known to maintain any Soldier in conſtant pay within their Cities, or ever ſuffer'd any of their Subjects to make War their Profeſſion; well knowing that the Sword and Sovereignty always march hand in hand; and therefore they trained their own Citizens, and the Territories about them, perpetually in Arms, and their whole Commonwealths by this means became ſo many ſeveral formed Militias: A general Exerciſe of the beſt of their People in the uſe of Arms, was the only Bulwark of their Liberties; this was reckon'd the ſureſt way to preſerve them both at home and abroad, the People being ſecur'd thereby as well againſt the domeſtick Affronts of any of their own Citizens, as againſt the foreign Invaſions of ambitious and unruly Neighbours. Their Arms were never lodg'd in the hands of any who had not an Intereſt in preſerving the Publick Peace, who fought *pro aris & focis*, and thought themſelves ſufficiently paid by repelling Invaders, that they might with freedom return to their own Affairs. In thoſe days there was no difference between the Citizen, the Soldier, and the Husbandman; for all promiſcuouſly took Arms when the Publick Safety requir'd it, and afterwards laid 'em down with more alacrity than they took them up: So that we find among the *Romans*, the beſt and braveſt of their Generals came from the Plough, contentedly returning when the Work was over, and never demanding their Triumphs till they had laid down their Commands, and reduc'd themſelves to the ſtate of private Men. Nor do we find that this famous Commonwealth ever permitted a Depoſition of their Arms in any other Hands, till their Empire increaſing, Neceſſity conſtrain'd them to erect a conſtant ſtipendiary Soldiery abroad in foreign Parts, either for the holding or winning of Provinces. Then Luxury increaſing with Dominion, the ſtrict Rule and Diſcipline of Freedom ſoon abated, and Forces were kept up at home, which ſoon prov'd of ſuch dangerous Conſequence, that the People were forc'd to make a Law to employ them at a convenient diſtance; which was, that if any General march'd over the River *Rubicon*, he ſhould be declar'd a publick Enemy: And in the Paſſage of that River this following Inſcription was erected; *Imperator ſive miles, ſive Tyrannus armatus quiſquis ſiſtito, vexillum armaq; deponito, nec citra hunc amnem trajicito.* And this made *Ceſar*, when he had preſum'd to paſs this River, to think of nothing but preſſing on to the total oppreſſion of that glorious Empire.

All Legiſlators againſt Standing Armies.

Nor,

Nor, as I said before, did any Nation deviate from these Rules but they lost their Liberty; and of this kind there are infinite Examples, out of which I shall give a few in several Ages, which are most known, and occur to every ones reading.

How the Athenians lost their Liberty.

The first Example I shall give is of *Pisistratus*, who artfully prevailing with the *Athenians* to allow him fifty Guards for the defence of his Person, he so improv'd that Number, that he seiz'd upon the Castle and Government, destroy'd the Commonwealth, and made himself Tyrant of *Athens*.

The Corinthians.

The *Corinthians* being in apprehension of their Enemies, made a Decree for four hundred Men to be kept to defend their City, and gave *Tymophanes* the Command over them, who overturn'd their Government, cut off all the principal Citizens, and proclaim'd himself King of *Corinth*.

Agathocles being Captain-General of the *Syracusians*, got such an Interest in the Army, that he cut all the Senators to pieces, and the richest of the People, and made himself their King.

The Romans.

The *Romans* for fear of the *Teutones* and *Cimbri*, who like vast Inundations threatned their Empire, chose *Marius* their General; and, contrary to the Constitution of their Government, continu'd him five Years in his Command, which gave him such opportunity to insinuate, and gain an Interest in their Army, that he oppress't their Liberty: And to this were owing all the Miseries, Massacres and Ruins which that City suffer'd under him and *Sylla*, who made the best Blood in the World run like Water in the Streets of *Rome*, and turn'd the whole City into a Shambles of the Nobility, Gentry and People.

The same thing enabled *Cesar* totally to overthrow that famous Commonwealth; for the prolongation of his Commission in *Gaul*, gave him an opportunity to debauch his Army, and then upon a pretended Disgust he march'd to *Rome*, drove out the Senators, seiz'd the Treasury, fought their Forces, and made himself perpetual Dictator.

Olivarotto di Fermo desir'd leave of his fellow Citizens, that he might be admitted into their Town with a hundred Horse of his Companions; which being granted, he put to the Sword all their principal Citizens, and proclaim'd himself their Prince.

Francis Sforza being General of the *Milanese*, usurp'd upon them, and made himself Duke of *Milan*.

Christiern *King of* Denmark.

After *Christiern* the Second King of *Denmark* had conquer'd *Sweden*, he invited all the Senators and Nobility to a magnificent Entertainment, where after he had treated them highly for two days, he most barbarously butcher'd them. None escap'd this Massacre but the brave *Gustavus Ericson*, who was then a Prisoner; but he afterwards escaping through a thousand Difficulties, by his good Fortune, Courage and Conduct, drove the *Danes* out of *Sweden*, and restor'd the *Swedes* to their antient Kingdom. Nothing then was thought too great for their generous Deliverer, every Mouth was full of his Praises, and by the universal Voice of the People he was chosen their King. And to consummate the last Testimony of their Gratitude, they trusted him with an Army; but they soon found their Mistake, for it cost them their Liberty; and having granted that *unum magnum*, it was too late to dispute any thing else: His Successors having been pleas'd to take all the rest, and now they remain the miserable Examples of too credulous Generosity.

The Story of *Denmark* is so generally known, and so well related by a late excellent Author, that it would be impertinence in me to repeat it; only this I will observe, that if the King had not had an Army at his Command, the Nobles had never deliver'd up their Government.

Oliver Cromwel.

Our Country-man *Oliver Cromwel* turn'd out that Parliament under which he serv'd, and who had got immortal Honor through the whole World by their great Actions; and this he effected by the Assistance of an Army, which must be allow'd to have had as much Virtue, Sobriety, and publick Spirit, as hath been known in the World since amongst that sort of Men.

The last Instance I shall give, is of a *French* Colony, as I remember in the *West-Indies*, who having War with the neighbouring *Indians*, and being tired in their March with the extremity of Heat, made their Slaves carry their Arms; who taking that opportunity, fell upon them and cut them to pieces, a just Punishment for their Folly. And this will always be the Fate of those that trust their Arms out of their hands; for it is a ridiculous Imagination to conceive Men will be Servants, when

when they can be Maſters. And as Mr. *Harrington* judiciouſly obſerves, Whatever Nation ſuffers their Servants to carry their Arms, their Servants will make them hold their Trenchers.

Some People object, that the Republicks of *Venice* and *Holland* are Inſtances to diſprove my Aſſertion, who both keep great Armies, and yet have not loſt their Liberty.

The Venetians *and* Hollanders *have preſerv'd their Liberties, and how.*

I anſwer, That neither keep any ſtanding Forces within the Seats of their Government, that is, within the City of *Venice*, or the great Towns of the *United Provinces*; but they defend theſe by their own Burghers, and quarter their Mercenaries in their conquer'd Countries, *viz.* the *Venetians* in *Greece* and the Continent of *Italy*, and the *Dutch* in *Brabant* and *Flanders*. And the ſituation of theſe States makes their Armies, ſo poſted, not dangerous to them; for the *Venetians* cannot be attack'd without a Fleet, nor the *Dutch* be ever conquer'd by their own Forces, their Country being ſo full of ſtrong Towns, fortify'd both by Art and Nature, and defended by their own Citizens, that it would be a fruitleſs Attempt for their own Armies to invade them; for if they ſhould march againſt any of their Cities, 'tis but ſhutting up their Gates, and the Deſign is ſpoil'd.

But if we admit that an Army might be conſiſtent with Freedom in a Commonwealth, yet it is otherwiſe in a free Monarchy: for in the former 'tis wholly in the diſpoſal of the People, who nominate, appoint, diſcard, and puniſh the Generals and Officers as they think fit, and 'tis certain Death to make any attempt upon their Liberties; whereas in the latter, the King is perpetual General, may model the Army as he pleaſes, and it will be call'd High-Treaſon to oppoſe him.

Standing Armies have laid the Foundation of Tyranny.

And tho ſome Princes, as the Family of the *Medices*, *Lewis* the Eleventh, and others, laid the Foundation of their Tyrannies without the immediate aſſiſtance of an Army, yet they all found an Army neceſſary to eſtabliſh them; or otherwiſe a little experience in the People of the change of their Condition, would have made them diſgorge in a Day that ill-gotten Power they had been acquiring for an Age.

This Subject is ſo ſelf-evident, that I am almoſt aſham'd to prove it: for if we look through the World, we ſhall find in no Country, Liberty and an Army ſtand together; ſo that to know whether a People are free or Slaves, it is neceſſary only to ask, Whether there is an Army kept amongſt them? and the Solution of that preliminary Queſtion reſolves the Doubt: as we ſee in *China*, *India*, *Tartary*, *Perſia*, *Ethiopia*, *Turkey*, *Morocco*, *Muſcovy*, *Auſtria*, *France*, *Portugal*, *Denmark*, *Sweden*, *Tuſcany*, and all the little Principalities of *Germany* and *Italy*, where the People live in the moſt abandon'd Slavery; and in Countries where no Armies are kept within the Seat of their Government, the People are free, as *Poland*, *Biſcay*, *Switzerland*, the *Griſons*, *Venice*, *Holland*, *Genoa*, *Geneva*, *Raguſa*, *Algiers*, *Tunis*, *Hamborough*, *Lubeck*; all the free Towns in *Germany*, and *England* and *Scotland* before the late Reigns. This Truth is ſo obvious, that the moſt barefac'd Advocates for an Army do not directly deny it, but qualify the Matter by telling us, that a Number not exceding 15 or 20000 Men, are a handful to ſo populous a Nation as this. Now I think that Number will bring as certain Ruin upon us as if they were as many Millions, and I will give my Reaſons for it.

It's the Misfortune of all Countries, that they ſometimes lie under an unhappy neceſſity to defend themſelves by Arms againſt the Ambition of their Governors, and to fight for what's their own; for if a Prince will rule us with a Rod of Iron, and invade our Laws and Liberties, and neither be prevail'd upon by our Miſeries, Supplications or Tears, we have no Power upon Earth to appeal to, and therefore muſt patiently ſubmit to our Bondage, or ſtand upon our own Defence; which if we are enabled to do, we ſhall never be put upon it, but our Swords may grow ruſty in our hands: for that Nation is ſureſt to live in Peace, that is moſt capable of making War; and a Man that hath a Sword by his ſide, ſhall have leaſt occaſion to make uſe of it. Now I ſay, if the King hath twenty thouſand Men before hand with us, or much leſs than half that Number, the People can make no Effort to defend their Liberties without the Aſſiſtance of a foreign Power, which is a Remedy moſt commonly as bad as the Diſeaſe; and if we have not a Power within our ſelves to defend our Laws, we are no Government.

The Caſe of England *as to a Standing Force.*

For *England* being a ſmall Country, few ſtrong Towns in it, and thoſe in the King's Hands, the Nobility diſarm'd by the deſtruction of Tenures, and the Militia not to be rais'd but by the King's Command, there can be no Force levied in any part of *England*, but muſt be deſtroy'd in its Infancy by a few Regiments: For

what will three or four thouſand naked unarm'd Men ſignify againſt as many Troops of mercenary Soldiers? What if they ſhould come into the Field, and ſay you muſt chuſe theſe and theſe Men your Repreſentatives, where is your Choice? What if they ſhould ſay, Parliaments are ſeditious and factious Aſſemblies, and therefore ought to be aboliſh'd; what is become of your Freedom? Or if they ſhould encompaſs the Parliament Houſe, and threaten if they do not ſurrender up their Government, they will put them to the Sword; What is become of the old *Engliſh* Conſtitution? Theſe things may be, and have been done in ſeveral Parts of the World. What is it that cauſeth the Tyranny of the *Turks* at this day, but Servants in Arms? What is it that preſerv'd the glorious Commonwealth of *Rome*, but Swords in the hands of its Citizens?

And if beſides this, we conſider the great Prerogatives of the Crown, and the vaſt Intereſt the King has and may acquire by the diſtribution of ſo many profitable Offices of the Houſhold, of the Revenue, of State, of Law, of Religion, and the Navy, together with the Aſſiſtance of a powerful Party, who have been always the faſt and conſtant Friends to Arbitrary Power, whoſe only Quarrel to his preſent Majeſty is, that he has knock'd off the Chains and Fetters they thought they had lock'd faſt upon us; a Party, who hath once engag'd us in an unhappy Quarrel amongſt our ſelves (the Conſequence of which I dread to name) and ſince in a tedious and chargeable War, at the vaſt expence of Blood and Treaſure, to avoid that Captivity they had prepar'd for us: I ſay, if any one conſiders this, he will be convinc'd we have enough to do to guard our ſelves againſt the Power of the Court, without having an Army thrown into the Scale againſt us. And we have found oftner than once by too fatal Experience the truth of this; for if we look back to the late Reigns, we ſhall ſee this Nation brought to the brink of Deſtruction, and breathing out the laſt gaſp of their Liberty; and it is more owing to our good Fortune, than to any Effort we were able to make, that we eſcap'd the fatal Blow.

And I believe no Man will deny, but if *Charles* the Firſt had had five thouſand Men before-hand with us, the People had never ſtruck a ſtroke for their Liberties; or if the late King *James* would have been contented with Arbitrary Power without bringing in Popery, but he and his black Guard would have bound us hand and foot before this time: But when their ill-contriv'd Oppreſſion came home to their own Doors, they quickly ſhew'd the World how different a thing it was to ſuffer themſelves, and to make other People ſuffer, and ſo we came by our Deliverance. And tho the late King had the Nobility, Gentry, Clergy, People, and his own Army againſt him, and we had a very wiſe and courageous Prince nearly related to the Crown, and back'd by a powerful State, for our Protector, yet we account this Revolution next to a Miracle.

Cromwel's *Caſe, and others.*

I will add here, that moſt of the Nations I inſtanced before were enſlav'd by ſmall Armies: *Oliver Cromwel* left behind him but 27000 Men; and the Duke of *Monmouth*, who was the Darling of the People, was ſuppreſs'd with two thouſand; nay, *Ceſar* ſeiz'd *Rome* it ſelf with five thouſand, and fought the Battel of *Pharſalia*, where the Fate of the World was decided, with twenty two thouſand: And moſt of the Revolutions of the Roman and Ottoman Empires ſince were caus'd by the Pretorian Bands, and the Court Janizaries, the former of which never exceeded eight, nor the latter twelve thouſand Men. And if no greater Numbers could make ſuch Diſturbances in thoſe vaſt Empires, what will double the Force do with us? And they themſelves confeſs it when they argue for an Army; for they tell us we may be ſurpriz'd with ten or fifteen thouſand Men from *France*, and having no regular Force to oppoſe them, they will over-run the Kingdom. Now if ſo ſmall a Force can oppoſe the King, the Militia, with the united Power of the Nobility, Gentry and Commons, what will an equal Power do againſt the People, when ſupported by the Royal Authority, and a never-failing Intereſt that will attend it, except when it acts for the Publick Good?

Pretences for the Standing Army examin'd.

But we are told, this Army is not deſign'd to be made a part of our Conſtitution, but to be kept only for a little time, till the Circumſtances of *Europe* will better permit us to be without them. But I would know of theſe Gentlemen, when they think that Time will be? Will it be during the Life of King *James*, or after his Death? Shall we have leſs to fear from the Youth and Vigor of the pretended Pr. of *Wales*, than now from an unhappy Man ſinking under the Load of Age and Misfortunes? Or will *France* be more capable of offending us juſt after this tedious and conſumptive War, than hereafter when it has had a breathing time to repair the

he Calamities it has ſuffer'd by it? No: we can never disband our Army with ſo much Safety as at this time; and this is well known by theſe Conſpirators againſt their Country, who are ſatisfy'd that a Continuation of them now, is an Eſtabliſhment of them for ever: for whilſt the Circumſtances of *Europe* ſtand in the preſent Poſture, the Argument will be equal to continue them; if the State of *Europe* ſhould alter to the Advantage of *France*, the Reaſon will grow ſtronger, and we ſhall be told we muſt increaſe our Number. But if there ſhould be ſuch a turn of Affairs in the World, that we were no longer in apprehenſion of the *French* Power, they may be kept up without our Aſſiſtance; nay, the very Diſcontents they may create ſhall be made an Argument for the continuing of them. But if they ſhould be kept from oppreſſing the People, in a little time they will grow habitual to us, and almoſt become a part of our Conſtitution, and by degrees we ſhall be brought to believe them not only not dangerous, but neceſſary: for every body ſees, but few underſtand; and thoſe few will never be able to perſuade the Multitude that there is any danger in thoſe Men they have liv'd quietly with for ſome years, eſpecially when the diſbanding them will (as they will be made believe) coſt them more Mony out of their own pockets than to maintain a Militia; and of this we have had already an unhappy Experience. For *Charles* the Second being conniv'd at in keeping a few Guards (which were the firſt ever known to an *Engliſh* King beſides his Penſioners, and his Beef-eaters) he inſenſibly increaſed their number, till he left a body of Men to his Succeſſor great enough to tell the Parliament, he would be no longer bound by the Laws he had ſworn to; and under the Shelter and Protection of theſe he rais'd an Army that had put a period to our Government, if a Complication of Cauſes (which may never happen again) had not preſented the Prince of *Orange* with a Conjuncture to aſſert his own and the Nation's Rights. And tho we have ſo lately eſcap'd this Precipice, yet Habit has made Soldiers ſo familiar to us, that ſome who pretend to be zealous for Liberty, ſpeak of it as a hardſhip to his preſent Majeſty, to refuſe him as many Men as his Predeceſſors, not conſidering that the raiſing them then was a Violation of our Laws, and that his Government is built upon the Deſtruction of theirs, and can no more ſtand upon the ſame rubbiſh, than the Kingdom of Heaven be founded in Unrighteouſneſs.

K. Ch. II. conniv'd at in keeping Guards.

But the Conſpirators ſay, we need be in no Apprehenſions of Slavery whilſt we keep the Power of the Purſe in our own hands: which is very true; but they do not tell us that he has the power of raiſing Mony, to whom no one dares refuſe it.

Arma tenenti
Omnia dat qui juſta negat.

For 'tis as certain that an Army will raiſe Mony, as that Mony will raiſe an Army; but if this courſe ſhould be thought too deſperate, 'tis only ſhutting up the Exchequer, and diſobliging a few Tally-Jobbers (who have bought them for fifty *per cent.* diſcount) and there will be near three Millions a Year ready cut and dry'd for them: and whoever doubts whether ſuch a Method as this is practicable, let him look back to the Reign of *Charles* the Second. And I am afraid the Officers of the Exchequer have not much reaſon to value themſelves for their Paiments in this Reign: at leaſt the Purchaſers of the Annuities are of that opinion, and would be apt to entertain ſome unſeaſonable Suſpicions, if they had not greater Security from his Majeſty's Virtue, than the Juſtice of ſuch Miniſters. But if we could ſuppoſe (whatever is the fate of other Countries) that our Courtiers deſign nothing but the publick Good, yet we ought not to hazard ſuch unuſual Virtue, by leading it into Temptation, which is part of our daily Duty to pray againſt. But I am afraid we don't live in an Age of Miracles, eſpecially of that ſort; our Heroes are made of a coarſer Allay, and have too much Droſs mix'd with their Conſtitutions for ſuch refin'd Principles: for in the little Experience I have had in the World, I have obſerv'd moſt Men to do as much Miſchief as lay in their power, and therefore am for dealing with them as we do with Children and Mad-men, that is, take away all Weapons by which they may do either themſelves or others an Injury: And I think the Sheep in *Boccaline* made a prudent Addreſs to *Apollo*, when they deſir'd, that for the future Wolves might have no Teeth.

When all other Arguments fail, they call to their Aſſiſtance the old Tyrant Neceſſity, and tell us the Power of *France* is ſo great, that let the Conſequence of an Army be what it will, we cannot be without one; and if we muſt be Slaves, we had better be ſo to a Proteſtant Prince than a Popiſh one, and the worſt of all Popiſh ones,

The Pretence of Neceſſity examin'd.

ones, the *French* King. Now I am of Mr. *Johnſon*'s Opinion, that the putting an Epithet upon Tyranny is falſe Heraldry; for Proteſtant and Popiſh are both alike; and if I muſt be a Slave, it is very indifferent to me who is my Maſter, and therefore I ſhall never conſent to be rul'd by an Army, which is the worſt that the moſt barbarous Conqueſt can impoſe upon me; which notwithſtanding we have little reaſon to fear whilſt we keep the Seas well guarded.

Our Naval Force our chief Strength.

It is certain there is no Country ſo ſituated for Naval Power as *England*. The Sea is our Element, our Seamen have as much hardy Bravery, and our Ships are as numerous, and built of as good Materials as any in the World: Such a Force well apply'd and manag'd is able to give Laws to the Univerſe; and if we keep a competent part of it well arm'd in times of Peace, it is the moſt ridiculous thing in nature to believe any Prince will have thoughts of invading us, unleſs he propoſes to be ſuperiour to us in Naval Power: For the Preparations neceſſary for ſuch an Undertaking will alarm all *Europe*, give both to us and our Confederates time to arm, and put our ſelves in a Poſture of defence. And whoever conſiders that the Prince of *Orange* with ſix hundred Ships brought but fourteen thouſand Men, and the mighty *Spaniſh Armado* (then the Terror of the World) imbark'd but eighteen thouſand, will be aſſur'd that no Invaſion can be ſo ſudden upon us, but we ſhall have time to get ready our whole Fleet, bring ſome Forces from *Holland* and *Ireland*, and prepare our own Militia if there ſhall be occaſion for it; eſpecially in times of Peace, when we ſhall have the Liberty of all the Ports of *France*, and ſhall or may have intelligence from every one of them.

Want of Wind conſider'd.

But they tell us ſuch a Wind may happen as may be favourable to our own Enemy, and keep us within our Ports; which I ſay, as *France* lies to *England*, is almoſt impoſſible: for if we lie about *Falmouth*, or the Land's end, no Fleet from *Breſt* or the Ocean can eſcape us without a Miracle; and if the Deſign be to invade us from any Port in the Channel, a very few Ships (which may ſafely lie at Anchor) will certainly prevent it. Nor is it to be conceiv'd that that cautious Prince will be at a vaſt Expence for the Contingency of ſuch a critical Wind, or will ſend an Army into a Country where their Retreat is certainly cut off, when the failing in any part of his Deſign will bring a new War upon him, which lately coſt a third part of his People, a great many large Countries and ſtrong Towns, with all the Honor he had heap'd up by his former Victories, to get rid of.

And here I muſt confeſs, that the Miſapplication of our Naval Force (which is our known Strength) for theſe laſt eight years, is the ſtrongeſt, as it is the moſt uſual Argument againſt me: which unriddles a Myſtery I did not underſtand before, tho I never was ſo fooliſh as to believe all the Errors of that kind were the Effects of chance or ignorance, or that loſing ſo many Opportunities of deſtroying the *French* Fleet had not ſome extraordinary, tho occult Cauſe; and yet notwithſtanding the reſtleſs Attempts of our Enemies, and the paltry Politicks of our own wretched Stateſmen, this Fleet triumphantly defended us, ſo that our Enemies in eight Years War could not get one opportunity of invading our Country.

Objections from Corruption of Officers and Storms, anſwer'd.

It's objected, that the Officers of our Fleet may be corrupted, or that a Storm may ariſe which may deſtroy it all at once, and therefore we ought to have two ſtrings to our Bow. By which I perceive all their Fears lie one way, and that they do not care if they precipitate us into inevitable Ruin at home, to prevent a diſtant Poſſibility of it from *France*. But I think this Phantom too may be laid by a well-train'd Militia, and then all their Bugbears will vaniſh. This word can be no ſooner out, but there's a volly of ſmall Shot let fly at me: What! muſt we truſt our Safety to an undiſciplin'd Mob, who never dreamt of fighting when they undertook the Service; who are not inur'd to the Fatigue of a Camp, or ever ſaw the Face of an Enemy? And then they magnify mercenary Troops; as if there was an intrinſick Virtue in a red Coat, or that a Raggamuffin from robbing of Henroofts, in two Campagns, could be cudgel'd into a Hero. Tho I muſt confeſs the Conduct of the Court in induſtriouſly enervating this Force, does in ſome meaſure juſtify their Objections: For the deteſtable Policies of the laſt Reigns were with the utmoſt Art and Application to diſarm the People, and make the Militia uſeleſs, to countenance a ſtanding Army in order to bring in Popery and Slavery; and if any Methods were propos'd to make it more ſerviceable, the Court would never ſuffer them to be debated; and ſuch Officers as were more zealous in exerciſing their Companies than others, were reprimanded, as deſigning to raiſe a Rebellion. And now the worthy Patriots of this Reign are taking advantage of the traitorous Neglect and infamous Policies of the laſt. But why may not a Militia be made uſeful? Why may not the Nobi-

Nobility, Gentry, and Freeholders of *England* be truſted with the Defence of their own Lives, Eſtates and Liberties, without having Guardians and Keepers aſſign'd them? And why may they not defend them with as much Vigour and Courage as Mercenaries who have nothing to loſe, nor any other Tie to engage their Fidelity, than the inconſiderable pay of Six-pence a Day, which they may have from the Conqueror?

Why may not the Laws for ſhooting in Croſsbows be chang'd into Firelocks, and a competent Number of them be kept in every Pariſh for the young Men to exerciſe with on Holidays, and Rewards offer'd to the moſt expert, to ſtir up their Emulation?

Militia to be made ſerviceable.

Why may not the whole Militia of *England* be reduc'd to ſixty thouſand, and a third part of thoſe kept by turns in conſtant Exerciſe?

Why may not a Man be liſted in the Militia till he be diſcharg'd by his Maſter, as well as in the Army till he be diſcharg'd by his Captain? And why may not the ſame Horſe be always ſent forth, unleſs it can be made appear he is dead or maimed?

Why may not the private Soldiers of the Army, when they are diſperſed in the ſeveral parts of the Kingdom, be ſent to the Militia? And why may not the inferiour Officers of the Army in ſome proportion command them?

I ſay, theſe and other like things may be done, and ſome of them are done in our own Plantations, and the Iſlands of *Jerſey* and *Guernſey*, as alſo in *Poland*, *Switzerland*, and the Country of the *Griſons*; which are Nations much leſs conſiderable than *England*, have as formidable Neighbours, no Sea nor Fleet to defend them, nothing but a Militia to depend upon, and yet no one dares attack them. And we have ſeen as great Performances done formerly by the Apprentices of *London*, and in the late War by the *Vaudois* in *Savoy*, the *Miquelets* in *Catalonia*, and the Militia in *Ireland*, as can be parallel'd in Hiſtory: And ſo it would be with us, if the Court will give their hearty aſſiſtance in promoting this Deſign; if the King would appear in Perſon at the Head of them, and give Rewards and Honor to ſuch as deſerve them, we ſhould quickly ſee the young Nobility and Gentry appear magnificent in Arms and Equipage, ſhew a generous Emulation in outvying one another in Military Exerciſes, and place a noble Ambition in making themſelves ſerviceable to their Country: as antiently the *Achaians* and *Thebans* from being the moſt contemptible Nations in *Greece*, by the Conduct of *Pelopidas*, *Epaminondas*, and *Philopemen*, came to have the beſt diſciplin'd Troops and moſt excellent Soldiers in the World.

They object, that ſuch a Militia as this is a ſtanding Army, and will be as dangerous and much more chargeable. I anſwer;

Difference betwixt a ſtanding Army and Militia.

That there can be no danger from an Army where the Nobility and Gentry of *England* are the Commanders, and the Body of it made up of the Freeholders, their Sons and Servants; unleſs we can conceive that the Nobility and Gentry will join in an unnatural Deſign to make void their own Titles to their Eſtates and Liberties: and if they could entertain ſo ridiculous a Propoſition, they would never be obey'd by the Soldiers, who will have a Reſpect to thoſe that ſend them forth and pay them, and to whom they muſt return again when their time is expir'd. For if I ſend a Man, I will as ſurely chuſe one who ſhall fight for me, as a mercenary Officer will chuſe one that ſhall fight againſt me: and the late Governments are Witneſſes to the truth of this, who debauch'd the Militia more than ever I hope to ſee it again, and yet durſt never rely upon them to aſſiſt their arbitrary Deſigns; as we may remember in the Duke of *Monmouth*'s Invaſion, their Officers durſt not bring them near his Army for fear of a Revolt. Nay, the Penſioner-Parliament themſelves turn'd ſhort upon the Court, when they expected them to give the finiſhing Stroke to our Ruin.

Whether the Militia be more chargeable than an Army.

To the laſt part of the Objection, That this Militia will be more chargeable than an Army; I anſwer, That ſince (as I ſuppoſe) no Man propoſes wholly to lay them aſide, if we add the extraordinary Expence of maintaining twenty thouſand Men to the ordinary charge of the Militia, it is much more than ſufficient to make the latter uſeful. But if this Objection were true, it ought not to enter into competition with the Preſervation of our Laws and Liberties; for it is better to give a third part of my Eſtate, if it were neceſſary, than to have all taken from me.

And tho it ſhould be granted, that a Militia is not as ſerviceable as an Army kept to conſtant Diſcipline, yet I believe theſe Gentlemen themſelves will confeſs, that ſixty thouſand of them train'd as before, are as good as twenty thouſand of their ſtanding Troops, which is the Queſtion; for 'tis impoſſible to have them both uſeful at the

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Militia well disciplined very useful.

ſame time, they being as incompatible as broad and clipt Mony, never current together; and therefore the Court muſt depend wholly upon a Militia, or elſe they will not depend upon them at all. And this by the way may ſilence that Objection, that we muſt keep our Army till the Militia be diſciplin'd; for that will never be done whilſt the Court has an Army: and the ſame Objection will be made ſeven years hence as now; ſo that a ſmall Army can be of no uſe to us, but to make our Fleet neglected, to hinder the Militia from being train'd, and enſlave us at home: for they are too few to defend us againſt an Invaſion, and too many for the People to oppoſe.

I dare ſpeak with the greater Aſſurance upon this Subject, having the Authority of as great Men as the World hath produc'd for my Juſtification. *Macchiavel* ſpends ſeveral Chapters to prove, that no Prince or State ought to ſuffer any of their Subjects to make War their Profeſſion, and that no Nation can be ſecure with any other Forces than a ſettl'd Militia. My Lord *Bacon* in ſeveral places bears his Teſtimony againſt a Standing Army, and particularly he tells us, that a mercenary Army is fitteſt to invade a Country, but a Militia to defend it; becauſe the firſt have Eſtates to get, and the latter to protect. Mr. *Harrington* has founded his whole *Oceana* upon a train'd Militia; and I have lately read a *French* Book, call'd a Hiſtory of the Politicks of *France*, which ſays, *Enfin ſi on veut ruiner les Anglois il ſuffit de les obliger a tenir des Troupes ſur pied.* Nay, I believe no Author ever treated of a free Government, that did not expreſs his Abhorrence of an Army; for (as my Lord *Bacon* ſays) whoever does uſe them, tho he may ſpread his Feathers for a time, he will mew them ſoon after: and raiſe them with what deſign you pleaſe, yet, like the *Weſt-Indian* Dogs in *Boccaline*, in a little time they will certainly turn Sheepbiters.

What Experience neceſſary to make good Soldiers.

Perhaps it will be ſaid, that the Artillery of the World is chang'd ſince ſome of theſe wrote, and War is become more a Myſtery, and therefore more Experience is neceſſary to make good Soldiers. But wherein does this Myſtery conſiſt? not in exerciſing a Company, and obeying a few words of Command; theſe are Myſteries that the dulleſt Noddle will comprehend in a few Weeks. Nay, I have heard that the Modern Exerciſe is much ſhorter and eaſier than the Antient. But the great Improvements in War are in regular Encampments, Fortification, Gunnery, skilful Ingineering, *&c.* Theſe are Arts not to be learn'd without much Labour and Experience, and are as much gain'd in the Cloſet as in the Field; and I ſuppoſe no Man will ſay, that the keeping ſtanding Forces is neceſſary to make a good Ingineer.

As to actual Experience in War, that is not eſſential either to a ſtanding Army or a Militia, as ſuch; but the former may be without it, and the latter gain it according as they have Opportunities of Action. 'Tis true at preſent the Army hath been train'd up in a long War, and hath gain'd great Knowledg: but theſe Men will not be loſt when they are disbanded, they will be ſtill in *England*; and if the Parliament does give them a Gratuity ſutable to the Service they have done their Country, they will be ready to reſume their Arms whenever occaſion offers.

Why an Army more neceſſary now than formerly, conſider'd.

But I deſire to know of theſe Patriots, how comes an Army neceſſary to our Preſervation now, and never ſince the Conqueſt before? Did ever the prevailing Party in the Wars of *York* and *Lancaſter* attempt to keep up a Standing Army to ſupport themſelves? No: they had more Senſe than to ſacrifice their own Liberty, and more Honour than to enſlave their Country, the more eaſily to carry on their own Faction. Were not the *Spaniards* as powerful, as good Soldiers, and as much our Enemies, as the *French* are now? Was not *Flanders* as near us as *France?* and the Popiſh Intereſt in Queen *Elizabeth*'s time as ſtrong as the Jacobite is now? and yet that moſt excellent Princeſs never dreamt of a Standing Army, but thought her ſureſt Empire was to reign in the Hearts of her Subjects, which the following Story ſufficiently teſtifies. When the Duke of *Alanſon* came over to *England*, and for ſome time had admir'd the Riches of the City, the Conduct of her Government, and the Magnificence of her Court, he ask'd her amidſt ſo much Splendor, where were her Guards? which Queſtion ſhe reſolv'd a few days after when ſhe took him in her Coach thro the City, and pointing to the People (who receiv'd her in Crouds with repeated Acclamations) Theſe, ſaid ſhe, my Lord, are my Guards; Theſe have their Hands, their Hearts, and their Purſes always ready at my Command: and theſe were Guards indeed, who defended her thro a long and ſucceſsful Reign of 44 years againſt all the Machinations of *Rome*, the Power of *Spain*, a diſputed Title, and the perpetual Conſpiracies of her own Popiſh Subjects; a Security the *Roman* Emperors could not boaſt of with their Pretorian Bands, and their *Eaſtern* and *Weſtern* Armies.

Remarkable Story of Q. Eliz.

Were

Were not the *French* as powerful in *Charles* the Second and King *James*'s time, as they are after this long and deſtructive War, and a leſs Alliance to oppoſe them? and yet we then thought a much leſs Army than is now contended for, a moſt inſupportable Grievance; inſomuch that in *Charles* the Second's Reign the Grand Jury preſented them, and the Penſioner-Parliament voted them to be a Nuſance, ſent Sir *J. Williamſon* to the Tower, for ſaying the King might keep Guards for the Defence of his Perſon, and addreſs'd to have them disbanded. And now our Apoſtates would make their Court by doing what the worſt Parliament ever *England* ſaw could not think of without Horror and Confuſion. They ſay the King of *France* was in league with our late Kings, ſo he is with us; and he would have broke it then, if he had thought it ſafe, and for his Intereſt, as much as now. But they ſay we have more diſaffected Perſons to join with him; which I muſt deny, for I believe no King of *England* in any Age had deſervedly more Intereſt than the preſent; and if during ſuch an expenſive War, in which we have conſum'd ſo much Blood and Treaſure, paid ſuch vaſt and unequal Taxes, loſt ſo many thouſand Ships, and bore a ſhock by recoining our Mony, which would have torn up another Nation from its Foundation, and reduc'd it to its antient Chaos, when moſt Countries would have ſunk under the Misfortune, and repin'd at their Deliverance (as men in ſickneſs commonly quarrel with their deareſt Friends) I ſay, if at that time he had ſo great and univerſal an Intereſt, there can be no doubt but in times of Peace, when the People reap the Fruits of that Courage and Conduct he hath ſhewn in their Defence, he will be the moſt beloved and glorious Prince that ever fill'd the *Engliſh* Throne.

An Army accounted a Grievance in K. Ch. II's time.

I will make one Aſſertion more, and then conclude this Diſcourſe, *viz.* That the moſt likely way of reſtoring King *James*, is maintaining a Standing Army to keep him out.

For the King's Safety ſtands upon a Rock whilſt it depends upon the ſolid Foundation of the Affections of the People, which is never to be ſhaken till 'tis as evident as the Sun in the Firmament, that there is a form'd Deſign to overthrow our Laws and Liberties; but if we keep a Standing Army, all depends upon the uncertain and capricious Humours of the Soldiery, which in all ages have produc'd more violent and ſudden Revolutions, than ever have been known in unarm'd Governments: For there is ſuch a Chain of Dependence amongſt them, that if two or three of the chief Officers ſhould be diſoblig'd, or have Intrigues with Jacobite Miſtreſſes; or if the King of *France* could once again buy his Penſioners into the Court or Army, or offer a better market to ſome that are in already, we ſhall have another rehearſal Revolution, and the People be only idle Spectators of their own Ruin. And whoſoever conſiders the Compoſition of an Army, and doubts this, let him look back to the *Roman* Empire, where he will find out of twenty ſix Emperors, ſixteen depos'd and murder'd by their own Armies; nay, half the Hiſtory of the World is made up of Examples of this kind: but we need not go any farther than our own Country, where we have but twice kept Armies in times of Peace, and both times they turn'd out their own Maſters. The firſt under *Cromwel* expel'd that Parliament under which they had fought ſucceſsfully for many years; afterwards under General *Monk* they deſtroy'd the Government they before ſet up, and brought back *Charles* the Second; and he afterwards disbanded them, leſt they might have turn'd him out again. The other Inſtance is freſh in every one's Memory, how King *James*'s Army join'd with the Prince of *Orange*, now our rightful and lawful King. And what could have been expected otherwiſe from Men of diſſolute and debauch'd Principles, who call themſelves Soldiers of Fortune? who make Murder their Profeſſion, and enquire no farther into the Juſtice of the Cauſe, than how they ſhall be paid; who muſt be falſe, rapacious and cruel in their own defence? For having no other Profeſſion or Subſiſtence to depend upon, they are forc'd to ſtir up the Ambition of Princes, and engage them in perpetual Quarrels, that they may ſhare of the Spoils they make. Such Men, like ſome ſort of ravenous Fiſh, fare beſt in a Storm; and therefore we may reaſonably ſuppoſe they will be better pleas'd with the tyrannical Government of the late King, than the mild and gracious Adminiſtration of his preſent Majeſty, who came over to *England* to reſcue us from Oppreſſion, and he has done it, and triumphs in it in ſpite of his Enemies.

A Standing Army will reſtore K. J. more probably than keep him out.

In this Diſcourſe I have purpoſely omitted ſpeaking of the leſſer Inconveniences attending a Standing Army, ſuch as frequent Quarrels, Murders and Robberies, the Deſtruction of all the Game in the Country; the quartering upon publick, and ſometimes

Leſſer Inconveniences attending a Standing Army.

ſometimes private Houſes; the influencing Elections of Parliament, by an artificial Diſtribution of Quarters; the rendering ſo many Men uſeleſs to Labour, and almoſt Propagation, together with a much greater Deſtruction of them, by taking them from a laborious way of living to a looſe idle Life; and beſides this, the inſolence of the Officers, and the Debaucheries that are committed both by them and their Soldiers in all the Towns they come in, to the Ruin of multitudes of Women, Diſhonour of their Families, and ill Example to others; and a numerous train of Miſchiefs beſides, almoſt endleſs to enumerate. Theſe are trivial as well as particular Grievances, in reſpect of thoſe I have treated about, which ſtrike at the Heart's-blood of our Conſtitution, and therefore I thought theſe not conſiderable enough to bear a part in a Diſcourſe of this nature: Beſides, they often procure their own Remedy, working Miracles, and making ſome men ſee that were born blind, and impregnable againſt all the Artillery of Reaſon; for Experience is only the Miſtreſs of Fools: A wiſe man will know a Pike will bite when he ſees his Teeth, which another will not make diſcovery of but by the loſs of a Finger.

Complement to the Army. What I have ſaid here againſt Standing Armies, I would be underſtood of ſuch as are the Inſtruments of Tyranny and their Country's Ruin, and therefore I need make no Apology to our own, which was rais'd by the Conſent of the Parliament in this juſt and neceſſary War, and next unto God and our great and glorious Deliverer, have by their Bravery and Conduct preſerv'd our Liberties, and the Proteſtant Religion thro *Europe*. For if in future Reigns any Deſigns ſhould be level'd againſt our Laws, we may be aſſur'd theſe Men would be diſcarded, and others promoted in their rooms, who are fit for ſuch arbitrary Purpoſes.

Nor do I think it reaſonable that our Army ſhould be ruin'd by that Peace, which by their Courage and Fidelity they have procur'd for their Country; and I doubt not but the Generoſity and Gratitude of the Parliament will give them a Donative equal to their Commiſſions, which, when the Foreigners are paid and ſent home, will amount to no extraordinary Sum; at moſt 'tis but ſuppoſing the War to have ſix months longer continuance, which is an eaſy Compoſition for the Charge of keeping them. But if there are any Gentlemen amongſt them who think we can no otherwiſe expreſs our Gratitude, but by ſigning and ſealing our own Ruin, I hope we ſhall diſappoint their Expectations, and not give the World occaſion to tell ſo fooliſh a Story of us, as that we turn'd to graſs one of the moſt powerful Monarchs in the World for breaking our Laws, that we maintain'd an eight years War at the expence of forty Millions of Mony, and the Blood of three hundred thouſand Men, to juſtify the glorious Action we have done; that by it we preſerv'd all *Europe* beſides, and loſt our own Liberties; at leaſt I hope it ſhall not be ſaid we conſented to it.

The

The Second Part of an ARGUMENT *ſhewing, That a* Standing Army *is inconſiſtent with a Free Government, and abſolutely deſtructive to the Conſtitution of the* Engliſh *Monarchy.*

With Remarks *on the late publiſh'd Liſt of King* James's *Iriſh Forces in* France.

Printed in Decemb. 1697.

The Preface.

THE following Conſiderations were written, and deſign'd to be publiſh'd ſoon after the Argument *againſt a* Standing Army *appear'd. But a Report being given out, That the Advocates for a* Standing Army *would do wonders on that Subject, 'twas thought convenient to expect their Atchievements, that if their Succeſs ſhould prove in any meaſure anſwerable to their Confidence, the Publick might have been no farther importun'd about the Matter. I think I may juſtly ſay, This Mountain, after all its Pangs and Convulſions, has brought forth nothing but a ridiculous Mouſe. And therefore I ſhall ſubmit to the Judgment of all impartial Engliſhmen, what is here ſaid in confirmation of the* Argument: *Which I hope will be of the greater weight, becauſe taken from our own Hiſtory.*

An Argument, &c.

WE have much talk of a Standing Army, which is to be in time of Peace, but no body can tell us what they are to do: We know their uſual Commiſſion is to kill and ſlay; but where is the Enemy? Men talk of this with as much certainty, as if they were already eſtabliſh'd: Which is yet the more ſurprizing, if we reflect on one of the Articles of Charge againſt the late King *James*. It is plain therefore that all this is Practice, and that theſe bold Foreſtallers of Parliaments would fain enact that without doors, which from the Foundation of this Kingdom was never attempted within.

The firſt Project of a Standing Army An. 1629.

Theſe Gentlemen are alſo pleas'd to affirm it neceſſary to have a vaſt Body of Forces continu'd on foot: Whereas the firſt Project we find for a Standing Army in the Year 1629. requires only three thouſand Foot in conſtant Pay, to bridle the Impertinence of Parliaments; to over-aw the Parliament and Nation; to make Edicts to be Laws; to force upon the People vaſt numbers of Exciſes; and in ſhort, to overturn the whole Frame of this noble *Engliſh* Government. Whoever has a mind to peruſe that dangerous Scheme in *Ruſhworth's Appendix*, pag. 12. and what he ſays of it in his Hiſtory, will ſee enough.

I marvel whoſe Advocates theſe Men are in this matter: For I am ſatisfied, none of thoſe brave *Engliſh*-men who have fought honorably abroad, ever meant, when the Service was over, to be a Charge, Burden and Terror at home to their own Country; nor to disfranchiſe us of two of our native Liberties, Freedom from Martial Law, and Billeting of Soldiers; and thereby directly to take away from themſelves, as well as from their Fellow-Subjects, one half of the Benefit of the *Petition of Right*, and in conſequence the other half too, the Freedom of their Perſons and Eſtates.

I ſhall therefore conſider of a Standing Army, without minding who is for it, or who is againſt it in this Age, and only ſhew what are like to be the Conſequences of it in future Reigns. And I have reaſon to do thus, becauſe if the Parliament give the beſt King a Standing Army, the worſt King ſhall hereafter claim and have it.

Parliaments do things ſuddenly that may entail Miſery. As in K. John's time.

We have many Inſtances where Parliaments in a kind fit, by one ſudden Grant, have entail'd a world of laſting Miſery upon the Nation. I will mention but one: The Kingdom was newly deliver'd from a bitter Tyrant, I mean King *John*, and had likewiſe got rid of their perfidious Deliverer the Dauphin of *France*; who after the *Engliſh* had accepted him for their King, had ſecretly vow'd their Extirpation, which the (*a*) Viſcount of *Melun*, a *French*-man, being at the point of Death, diſclos'd; they were moreover bleſſed with a young Prince, of whom they conceiv'd mighty Hopes, in the Hands of a very wiſe and honeſt Council. This was Life from the Dead, and a true Revolution. In the Tranſport of all this Happineſs, about the 7*th* year of this new King *Henry* 3. the Parliament granted him the Wardſhip of their Heirs. *Knighton*, pag. 2430. records it thus; *Magnates Angliæ conceſſerunt Regi Henrico Wardas Hæredum & Terrarum ſuarum, quod fuit initium multorum malorum in Anglia.* He ſays this Grant was the beginning of many Miſchiefs in *England*. In the Year 1222 theſe Miſchiefs had their Riſe and Beginning; but where they ended, no old Chronicle could ever tell: For after this intolerable Bondage had continued above four hundred years, the Nation at laſt ranſom'd themſelves in our time by giving the Exciſe. It is a grief to all After-ages to find a Parliament ſo miſerably overſeen; for they both miſtook their Man, and the hopeful Prince prov'd as bad as if the very Soul of his Father *John* had paſs'd into him, which is the common Character given him by all the antient Hiſtorians: And then they utterly miſtook the nature of the Grant, and did not foreſee what a Miſery and Vaſſalage it might prove to their Poſterity. I appeal to all the antient Nobility and Gentry, who know any thing of the Affairs of their own Families, whether it was ſo or not: And yet theſe were honeſt and brave Men, who would rather have died than have been the Authors of ſo much Miſchief; but they were led by falſe Appearances, that by having the King Guardian of their Children, they could not be wrong'd; they would have the beſt Education at Court, ſtand fair for future Preferment, and that a happier Proviſion for their Poſterity could not be made: Neither could it, for the very Learning which this inſtructive Paſſage has given to their late Poſterity, countervails all the Miſchiefs that are paſt.

The Grant of Wardſhips the beginning of many Miſchiefs.

Objection.

But the Advocates for a Standing Army tell us, That tho the Wards by being annex'd to the Crown, and ſo becoming a Prerogative, could not be parted with, which was the cauſe of the long Continuance of that Miſchief, after it was known and felt to be ſo; yet all this is cur'd by making the Act temporary, and ſettling a Standing Army only during his Majeſty's Reign, or for years, or they know not how. I find they have a great mind to their Cucumber, for they are content to have it dreſs'd and pickled any way.

Anſwer.

I anſwer, That ſucceeding Princes, if they find an Army, will keep it, and will not trouble themſelves whether the Law be temporary or perpetual. A plain Inſtance we have of this in the Cuſtoms: For tho Tunnage and Poundage, and the other Impoſitions, are a Subſidy and free Gift, and the King's Anſwer to the Bill thanks the Subjects for their Good-wills; and tho Parliaments have always us'd ſuch Cautions and Limitations in thoſe Grants, as might prevent any Claim, and heretofore limited them to a ſhort time, as for a year or two; and if they were continu'd longer, they have directed a certain Space of Ceſſation or Intermiſſion, that ſo the Right of the Subject might be the more evident; at other times they have been

Inſtance in the Cuſtoms.

(*a*) Daniel, *pag.* 148.

granted

granted upon occaſion of War for a certain number of years, with Proviſo, that if the War were ended in the mean time, then the Grant ſhould ceaſe; and of courſe they have been ſequeſter'd into the hands of ſome Subjects for the guarding of the Seas:

Notwithſtanding all this, tho the Parliament ſo carefully guarded their Grants, yet King *Charles* the Firſt took this Subſidy without any Grant at all for ſixteen Years together; tho ſeveral Parliaments in the mean time time forbad the Payment of it, and voted all thoſe to be publick Enemies that did not refuſe it. The like did his Son the late King *James* till his Parliament gave it him: and in his firſt Speech to them he demanded it as his own, by the name of *my Revenue*. And why then ſhall not another Prince come and ſay the ſame, Give me my Army, if he ever have a Parliament to ask? To limit a Prince with Laws where there is an Army, is to bind *Sampſon* with his Locks on.

The Conſequences of perpetuating a Standing Army.

Having made appear that an Army now will be an Army always, I come in the next place to ſhew what the Conſequences of it will be, both by the Experience of former Ages, and by the nature of the thing.

Means of enſlaving the Nation.

In all Ages and Parts of the World, a Standing Army has been the never-failing Inſtrument of enſlaving a Nation; which *Richard* the Second (*a*) *Walſing. p.* 354. compaſſing to do here in *England*, accordingly us'd the Means. For the Safety of his Perſon he aſſembled together (*multos Malefactores*) a great number of profligate Perſons out of the County of *Cheſter*, who ſhould keep watch and ward continually about him in their turns. This Life-guard of his conſiſted of four thouſand Archers; who committed ſuch Outrages amongſt the People, over-aw'd the Parliament, and aided him in his Tyrannical Proceedings in ſuch a manner, as could not be believ'd, if it were not witneſs'd by a whole Parliament, and his own Confeſſion, (*b*) *Artic.* the 5*th*.

The Practice of R. 2.

In ſhort, tho many of thoſe *Cheſhire*-men plunder'd and liv'd upon Free-quarter, beat, wounded, kill'd and raviſh'd wherever they came; yet becauſe they enabled him to execute all his cruel and arbitrary Deſigns in Parliament, he countenanc'd them in all their Crimes, as confiding in them, and truſting in their defence of him againſt all the Realm beſide: For which cauſe all the Lieges of his Realm had great matter of Commotion and Indignation.

This Parliament was in the 21*ſt* of his Reign, and in it the Frame of this *Engliſh* Government was quite deſtroy'd. I need not ſhew in what Particulars, for that is done already by *Bacon*, and many other Lawyers. But in ſhort, the King was made abſolute, and the whole Power of Parliament, which might remedy things afterwards, was given up: For it was made Treaſon for any Man to endeavour to repeal any of the Arbitrary Conſtitutions that were then made.

K John's *Endeavors to enſlave the Nation.*

I am even aſham'd, when I obſerve former Princes ſo zealous for oppreſſing and wronging a Nation, and ſo bent upon it, to reflect how cold and remiſs many Subjects have been in all times, and how unconcern'd to preſerve their indiſpenſable Rights, which are the very Being both of themſelves and their Poſterity: To ſee King *John* ready to pawn his Soul, and offer *Miramolim* the Emperor of *Morocco* to turn *Turk*, and to make his Kingdom tributary to him, only to get his Aſſiſtance to enſlave this Nation, and Subjects to take no care of their *Engliſh* Liberties; which certainly are prov'd to be worth keeping by the Eagerneſs of bad Princes to take them away.

Practice of the Cheſhire *Men.* Walſingh.

But to return to our *Cheſhire*-men, and to the Parliament which they had in charge, *Sagittariis innumerabilibus vallato*, wall'd about with an infinite number of Archers, as it is deſcrib'd *Artic.* 4. The Parliament was hereby ſo over-aw'd, that in what they did they were *magis timore Regis ducti quam mentium ratione*, led more by fear of the King than their Conſciences; their Souls were not their own.

(*a*) Item, Tempore quo idem Rex in Parliamento ſuo fecit adjudicari Ducem Gloceſtriæ, & Comites Arundel & Warwick ut liberius poſſit exercere Crudelitatem in eoſdem, & voluntatem ſuam injurioſam in aliis adimplere, ſibi attraxit multitudinem magnam Malefactorum de Comitatu Ceſtriæ, quorum quidam cum tranſeuntes per Regnum, tam infra Regis hoſpitium quam extra, Ligeos Regni crudeliter occiderunt, & quoſdam verberaverunt, vulneraverunt, & deprædarunt bona populi, & pro ſuis victualibus ſolvere recuſarunt, & uxores & alias mulieres rapuerunt & violaverunt, & licet ſuper eorum hujuſmodi exceſſibus graves querimoniæ deferebantur ad audientiam dicti Domini Regis: Idem tamen Rex ſuper his juſtitiam, ſeu remedium facere non curavit, ſed favebat iiſdem gentibus in maleficiis eorum; confidens in iis & eorum præſidio, contra quoſcunque alios Regni, propter quod fideles Regni ſui magnam commotionis & indignationis materiam habuerunt.

(*b*) *Decem. Scrip. Col.* 2748.

And beſides the ſtanding Awe and Terror which this Guard was to both Houſes during their Seſſion, there happen'd a Paſſage at laſt which put them all into a very great fright: It is thus ſet down by *Stow*, p. 316. 'And then licence being had 'to depart, a great ſtir was made, as is us'd; whereupon the King's Archers, in 'number 4000, compaſs'd the Parliament-Houſe (thinking there had been in the 'Houſe ſome Broil by fighting) with their Bows bent, their Arrows knotch'd, and 'drawing ready to ſhoot, to the terror of all that were there; but the King here-'with coming, pacified them.

Theſe Men did the King ſuch acceptable Service, that he could do no leſs than make ſome return to his Implements, which he did in honouring *Cheſhire* for their ſakes. In this Seſſion of Parliament he made it a Principality, *cap.* 9. and himſelf Prince of *Cheſter*: And ſo, as *Bacon* ſays, *Counties go up, and Kingdoms go down.* This had never riſen again but by a happy Revolution, which follow'd in leſs than two years. So much for the *Cheſhire* men.

But what ſignify the Proceedings of this villanous Crew to an Army, who are all of them men of Honour, and perhaps in Parliament time ſhall be order'd a hundred miles off? Theſe cannot wall in, ſurround, begirt and beſet a Parliament, nor conſequently hinder it from being a Free Parliament. That I deny; for I hope ſuch an Army may differ in Judgment, and can petition a Parliament at that diſtance; and we very well know that their Deſires are always Commands. The Parliament in 41, long before there was any Breach with the King, were in a fair way to have been petition'd out of doors by an Army 150 miles off, tho there was the Clog of a *Scotch* Army at the heels of them, who upon the leaſt Motion would certainly have follow'd. And if *Denzil Holles* had not lock'd the Doors, and communicated the matter to the Houſe, who immediately fell upon the Officers that were Members, Colonel *Aſhburnham*, *Willmot*, *Pollard*, &c. and quaſh'd the Deſign, it had brought the whole Nation into great Confuſion. The Petition of an Army is like that of the *Corniſh* men in *Henry* the Seventh's time; it is always a ſtrong Petition.

The Parliament of 1641. how practis'd upon by the Army.

Nay, an Army can never fail in this humble way to over-rule a Parliament. If they are in being, they influence; and in *Cæſar*'s eaſy way they conquer by looking on. The very Reputation of a Force to back them, will make all Court-Propoſals ſpeak big, tho ever ſo contrary to the Intereſt of the Nation: For there is no debating nor diſputing againſt Legions. It will tempt them to do many things they durſt not otherwiſe think of: What is much out of our reach, is rarely the Object of our Thoughts; but the Facility of Execution is generally the firſt Motive to an Attempt. Now it is abundantly the Intereſt of Court-Flatterers to live under a corrupt Reign: Then Bribes and Confiſcations fill their Coffers. No man's Wife or Daughter is free from their Luſt, or Eſtate from their Avarice. They extort Preſents from the Nobility, Goods from the Tradeſmen, and Labour from the Poor. In ſhort, all is their own. And 'tis to be fear'd, theſe Gentlemen (unleſs they have more Vertue than uſually falls to their ſhare) will put Princes upon ſuch Counſels as promote their own Advantage. They will tell them how mean it is to be aw'd by a few Country Gentlemen, when all the Kings in *Europe* beſides are got out of Pupilage, as *Lewis* XI. call'd it. They will fill their Heads with a thouſand trifling Jealouſies of Monſters, Commonwealths, and ſuch-like Bug-bears: and it hath been difficult even for the wiſeſt Princes to free themſelves from this ſort of Cattel. *Falſe Prophets ſhall ariſe, that ſhall deceive even the Elect.* Nothing but the fear of Puniſhment, and the being made a Sacrifice to the Peoples juſt Revenge, can make ſuch Men honeſt: But if they have an Army to protect them, all theſe Conſiderations are laid aſide, and all Arguments are anſwer'd in a word, *The King has an Army*. *The King has an Army* ſtops all mouths, and cuts off all Reply. It is as if it ſhould be ſaid, Set your hearts at reſt, for the King has all Power in his hands, and you have none: He has all your Eſtates, Lives and Liberties, under his girdle: Slaves, and talk! *The King has an Army*, is a confuting Anſwer to every thing but a better Army, which thanks be to God and his preſent Majeſty we have found. But as we are not to live upon Miracles, ſo we are not to tempt Dangers.

Great danger to Liberty from a Standing Army.

I have ſtaid the longer upon this point, in ſhewing how inconſiſtent an Army is with the Freedom of Parliament, becauſe they being the Keepers of our *Engliſh* Liberties, can ill perform that Office, when they have parted with their Power into other hands. They are the laſt Reſort of the Subject for the Redreſs of their Grievances. But how ſhall they relieve the poor *Royſton*-men, for inſtance, from the Oppreſſion and Inſolences of the Soldiery, when perhaps they ſhall be ſubject

to

to the like themſelves? The Projectors are aware of this terrible Inconvenience, and therefore they propoſe an Expedient, That it ſhall be the King's Army, but the Parliament ſhall have the paying of them; whereby they ſhall be as much the Parliament's humble Servants, as the Parliament their proper Maſters.

Long Parliament Army different from this.

Much at one I believe. For the Long Parliament had not ſuch a King and Parliament Army as this, but an Army that was all their own, their Creatures, as the Court-word is, rais'd, liſted, commiſſion'd, and paid wholly by themſelves, and not in Partnerſhip, and that had manfully fought all their Battels: And yet upon the firſt Diſtaſt they were pleas'd to take, they diſtreſs'd their own Maſters, and with a high hand forc'd them to baniſh eleven of their principal Members, *Denzil Holles*, Sir *Philip Stapylton*, *Glyn*, and ſuch other great Men. Sir *Philip Stapylton* died in his Baniſhment. At another time they would not ſuffer near a hundred Members to enter into the Houſe, whom they thought not well affected to the Buſineſs then in hand; and at the ſame time evilly intreated and impriſon'd about forty Members: This they call'd purging the Houſe. After they had thus handled them at ſeveral times, in concluſion, the Officers came and reprimanded the Houſe, bid them take away that Fool's Bauble the Mace, violently pull'd the Speaker out of the Chair, drove out the Members, and lock'd up the Doors, and ſo good night to the Parliament. The Wiſdom of that Parliament may have been very great, but it was Nonſenſe for them to think, that an Army does not know its own Strength. For without dear-bought Experience any body may know beforehand what will be the natural Conſequences of a Standing Army. From the day you ſet them up, you ſet up your Maſters; you put your ſelves wholly into their hands, and are at their diſcretion: It is the Conqueſt of the Nation in the ſilenteſt, ſhorteſt and ſureſt way. They are able to diſpoſe of your Lives and Eſtates at Will and Pleaſure: and what can a foreign Conqueror do more? If after this we live and poſſeſs any thing, 'tis becauſe they let us; and how long that ſhall be, neither we, no nor they themſelves, know.

A Standing Army by Law worſe than a foreign Invaſion.

Nay, in many reſpects an authoriz'd Standing Army is far worſe than a foreign Invaſion, and a Conqueſt from abroad: for there we have a chance for it, but this is a Conqueſt in cold Blood, which may not be reſiſted. And we loſe the inſeparable Rights of the Conquer'd, which is to reſcue and deliver themſelves, and to throw off the Yoke as ſoon as they can. It is likewiſe a great Aggravation of our Miſery, to be enſlav'd at our own Coſt and Charges: Beſides the bitter Reſentments of Unkindneſs and Breach of Truſt, if it be done by thoſe who ought to protect us, and provide better for us, at leaſt ſhould not leave us in a worſe Condition than they found us. But above all, if we contribute to our own Thraldom by our Folly, Flattery and little Self-ſeeking; if the Deſtruction of us and our Poſterity be of our ſelves, that Reflection hereafter will have a Sting in it; and it will not be enough to ſay, Who would have thought it?

Now in being overpower'd and conquer'd by a foreign Enemy, we contract none of this Guilt, and ſuffer it as a bare Calamity. But there is no great fear of that, for the Duke *de Rohan* is our Guarantee that we cannot be conquer'd from abroad, who in a ſpiteful Deſcription of *England*, ſays, it is a great Animal that can be deſtroy'd by nothing but it ſelf. Every body muſt die when their time is come, and Empires as well as private Men muſt ſubmit to Time and Fate; Governments have their Infancy, their Meridian, and their Decay, and the Preludes to their Deſtruction are generally Luxury, Pride, Sloth, Prodigality, Cowardice, Irreligion, Self-intereſt, and an univerſal Neglect of the Publick. God grant this be not the Condition of a Nation I know.

Pretence of defending the Nation conſider'd.

Well, 'tis all one; for let a Standing Army be what it will, ſtill we muſt have it for this unanſwerable Reaſon, *viz. The Defence of the Nation from a ſudden Invaſion; for unleſs*, ſay they, *you have an Army to lie lieger, you are liable to be over-run by a foreign Enemy e'er you are aware; and you will ſhew leſs Wit than Æſop's Rhinoceros; you will have your Men to raiſe, and your Teeth to whet, when you ſhould uſe them.* This Thought I confeſs is very natural and obvious, and therefore could not poſſibly eſcape our wiſe Forefathers; yet we cannot learn that ever they put it in practice, which is a great ſign they did not like it. No, we are well aſſur'd that they would not have ſuffer'd a mercenary Army to defend the Nation, if they would have done it *gratis*. They would rather have miſtruſted it would double the Invaſion, and make it as big again as it was. I do not ſpeak this by gueſs, but have it from the wiſe Sir *Robert Cotton*, who being conſulted, 3 *Caroli*, in a difficult State of Affairs, amongſt other things gave this Advice at the Council-Table: *Ruſhworth*, pag. 469.

Sir R. Cotton's Opinion about a Standing Army.

469. *There must be, to withstand a Foreign Invasion, a proportion of Sea and Land Forces. And it is to be consider'd, that no March by Land can be of that speed to make head against the Landing of an Enemy: Then it follows, That there is no such Prevention as to be Master of the Sea.*

For the Land Forces, if it were for an Offensive War, the Men of less Livelihood were best spar'd; and we us'd formerly to make such Wars Purgamenta Reipublicæ, *if we made no farther Purchase by it. But for the Safety of the Commonwealth, the Wisdom of all times did never intrust the publick Cause to any other than to such as had a Portion in the publick Adventure. And that we saw in eighty eight, when the Care of the Queen and of the Council did make the Body of that large Army no other than of the Trained Bands.*

In the same Advice to the King he lets him know how the People resented his keeping up an Army in the Winter, tho we were then in War both with *France* and *Spain*. The words are these:

And the dangerous Distastes to the People are not a little improv'd by the unexampl'd Course, as they conceive, of retaining an Inland Army in Winter Season, when former Times of general Fear, as in eighty eight, produc'd none such; and makes them in their distracted Fears conjecture idly, it was rais'd wholly to subject their Fortunes to the Will of Power rather than of Law, and to make good some farther Breach upon their Liberties and Freedoms at home, rather than defend us from any Force abroad. And he tells the King the Consequences of these Jealousies is worthy a prudent and preventing Care.

But what signify the Proceedings of former Ages to us? say the Projectors, *the World is strangely alter'd, and the Power of* France *is become so formidable, that it can never be oppos'd in the* Elizabeth *way.* They still keep up an Army of three or four hundred thousand Men, and how shall we defend our selves against all those, without ten or fifteen thousand disciplin'd Troops?

A foreign Invasion impossible if we are superior at Sea.

I think the Author of the *Argument*, *pag.* 572. hath sufficiently shew'd the Difficulty, if not Impossibility, of a foreign Invasion, whilst we are superior at Sea; the great improbability the *French* King should engage in such a Design, and much greater he should succeed in it. But that we may for ever lay this Goblin, we will admit our Fleets to be kidnap'd by an unlucky Wind, whilst the *French* land twenty thousand men in our Country. Tho in gratitude for this Concession, I hope my Adversaries will grant that their Fleet cannot get back again without our meeting with them (since the same Wind that carries them home, will carry us out) or if they will not be so good natur'd as to allow this, I will undertake for them (for we live in an undertaking Age) that they will agree we shall intercept their Supplies. Then the Case is thus, that twenty thousand men, of which few can be Horse, are landed in *England*, without any human probability of being supply'd from abroad.

I say, this Army shall never march twenty miles into the Country, for they cannot put themselves in a marching Posture in less than a fortnight or three weeks; and by that time we may have 100000 Militia drawn down upon them, whereof 10000 shall be Horse, and as many Dragoons as we please: And if this Militia does nothing else but drive the Country, cut off their Foragers and Straglers, possess themselves of the Defilees, and intercept Provisions, their Army must be destroy'd in a small time.

Of this kind I could give many Instances out of History: but because antient ones, they say, will not fit our purpose, I will give you a late one out of *Ireland*.

1*st*, I think it will be readily agreed, there are ten Men in *England* for one in *Ireland*.

2*dly*, That King *William* had more *English* and *Scotch* to join with him in *Ireland*, than the *French* King hath Malecontents in *England*.

The Irish *War consider'd.*

3*dly*, That even our Militia have more Courage than *Irishmen*. And tho we had eight thousand Horse, and above thirty thousand Foot in *Ireland*, and a great part of the Country in our possession, yet we were more than four years in conquering the rest, and almost a Miracle we did it then. And I believe no Man will deny, if we could not have supply'd our Army from *England*, but they had all there perish'd; such is the Advantage of fighting upon one's own Dunghil.

The Purbeck *Invasion.*

And to shew what Treatment the *French* are like to meet with in *England*, I will put you in mind of the *Purbeck* Invasion, which was so private, that it was seen only by an old Man and a Boy: And yet tho the Country thought the Government against them, we had above forty thousand Voluntiers in Arms in two or three days time, who came thither on their own accord to give them the meeting; and if they had been there, I doubt not would have given a good account of them.

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Our Court when it was over, ſhew'd their diſlike of it, and queſtion'd the Sheriff of *Dorſetſhire* about it. And tho we have forgot it, yet I believe the *French* will remember *Purbeck*; for it ſhew'd the true Spirit and Genius of the *Engliſh* Nation.

The Project ridiculous.

To conclude, The whole management of this Project is ridiculous; but the fatal Conſequences of it require deeper thought: For when we have fool'd our ſelves into the Bondage of a Standing Army, how ſhall we ever get out of it again? Not as the Nation freed themſelves from the Court of Wards. We cannot buy it off for two very good Reaſons: No Mony will be taken for it, and we ſhall have nothing to give which is not theirs already: Our Eſtates, Lives and Liberties will be all at their Command. They will have the Keys of our Mony, and the Titles to our Lands in their Power.

This laſt and irreparable Miſchief and Miſery the Projectors had prepar'd for us. But under a gracious King and a wiſe Parliament, I hope we ſhall never ſee it. His Majeſty's Declaration is directly againſt a Standing Army, *as a means to aſſiſt all arbitrary Deſigns, and thereby enſlave the Nation*; directly againſt all wicked Attempts of Conqueſt, and all Deſpotick Government; 'tis full of Liberty and Property in every part, ſo that we are ſure to be ſafe on that ſide. And this Declaration was ſo highly valu'd, and ſo wholly rely'd upon by the Parliament, that it is incorporated into our Laws as the only redreſs of our paſt Grievances and Oppreſſions, and the beſt Foundation of our future Happineſs: And with intire confidence that his Majeſty would continue to act in purſuance of that Declaration, the Parliament reſolv'd that he ſhould be, and be declar'd King. So that it is to be accounted the *Pacta Conventa* of this Government.

The King declares againſt a Standing Army.

Here I know the Projectors will ſay, That the Army condemn'd by the Declaration, was the late King *James*'s Army, kept up in time of Peace without Conſent of Parliament: whereas this Standing Army is to be kept up with their Conſent.

Objections anſwer'd.

True it was ſo, and therefore it was a Riot and unlawful Aſſembly every hour it ſtood; and having no Law for it, it might have been preſented or indicted; to no purpoſe indeed: But as an Invaſion upon the Subject it might be reſiſted and pull'd down as a Nuſance, whenever the Nation found themſelves able. But ſuppoſe this Army had been made part of the Conſtitution, and had obtain'd an Act of Parliament for it, which is as much as we can have for a King or a Queen, what then had become of us? They were Aids and Inſtruments of arbitrary Government before, but then they had been legal Inſtruments, and had enſlav'd us by Authority. In ſhort, we could not have reliev'd our ſelves from them, nor any one elſe in our behalf, becauſe our own Act and Deed would have always been good againſt us. The delightful Notion we know his Majeſty by, is that of our Deliverer, which he was upon this occaſion. But theſe miſchievous Projectors would turn it into ſuch a Deliverance, as if we had been help'd over a Ford, to be afterwards loſt in the Sea. And as to the Parliament, we are ſafe on that ſide, for a Reaſon amongſt others which is in the Declaration in theſe words: *And it cannot be imagin'd that thoſe who have invited us, or thoſe that have already come to aſſiſt us, will join in a wicked Deſign of Conqueſt, to make void their own Titles to their Honours, Eſtates and Intereſts.*

A POSTSCRIPT, containing Remarks on a late publiſh'd List *of* Iriſh *Papiſts now in the* French *King's Service.*

THE Advocates for a Standing Army having lately publiſh'd a Liſt of an Army of *Iriſh* and other Papiſts now in the *French* King's Service, which they ſay are ready when call'd for, I could not let that Paper go without ſome Remarks; becauſe it informs us of ſome things, that, if I miſtake not, deſerve the Conſideration of all true *Engliſhmen*, and are as followeth.

1. That

18000 Irish *and Papists with K.* J. *in* France.

1. That there is in *France* an Army of eighteen thousand *Irish* and other Papists, with King *James* at the Head of them.

2. That they are ready to be transported hither when call'd for.

3. They give broad Hints that there is a sort of Men amongst us, who will call for them.

4. That these *Irish* and their Correspondents will answer whatever has been or shall be written against a Standing Army.

This Pretence answer'd.

To the first I answer, that tho the *Irish* are the best Troops in the World to plunder, murder and massacre the innocent and defenceless People, yet they are the worst of all Soldiers when they meet with any Resistance. The late War in *Ireland*, particularly the Siege of *London-derry*, and the routing of *Justin Maccarty*, one of their best Officers, who was at the Head of a considerable Army, by a small number of the despis'd Militia, has abundantly demonstrated this Truth. And it deserves the Resentment of the *English* Nation, to find the Enemies of their Country endeavouring at last to fright them with that despicable Crew, when the Terror they would have given us of the *French* Armies has prov'd ineffectual. Besides, the *French* King is in possession of these *Irish* Troops; they serve him, and are paid by him: and no Man, but a publick *Boutefeu*, would have the Confidence to say, he will lend them to King *James* to invade us: For what will that be less than declaring a new War? And they who think it in the power of the *French* King to assist King *James* against us, without any breach of the late Treaty, do in effect say, that due Care has not been taken of the Nation, than which there cannot be a more scandalous Reflection on his Majesty.

To the second and third of their Menaces I shall only say, That 'tis somewhat extraordinary, that Men should dare publickly to avow their Correspondence with our Enemies, to own themselves acquainted with their Designs against us, to threaten the People with an Army of *Irish Banditti*, and to let us know that there are some amongst us ready to join them. But the Great Council of the Nation being now assembl'd, will undoubtedly make such Provision for our Safety, that neither they nor their Correspondents shall be able to hurt us.

In the last place they tell us, that this is an Answer to *the Argument against a Standing Army*, and to all that has been or shall be written on that Subject. Here's thorow Work indeed, and 'tis pity it should want a Place in the next Edition of the *Irish* Wisdom. Mr. *Bayes*'s fighting singly against whole Armies is nothing to it: For he like a modest Man, was only for routing such as should be rais'd, and never once dreamt of destroying them before they had a Being.

'Tis hop'd therefore that this last Goblin will do us no more hurt than all the rest that have been industriously rais'd to terrify the People, and to disturb the publick Peace.

A LETTER, ballancing the Neceſſity of keeping a Land-Force in times of Peace,

Printed in 1697.

With the DANGERS *that may follow on it.*

SIR,

WE have at laſt an honorable Peace, which was much long'd for by us all, but deſpair'd of by many. *England* is now the Wonder of the World, nothing can hurt us, but Animoſities and Jealouſies among our ſelves. If we maintain the Peace with as much Prudence and Judgment, as we have ſhew'd Spirit and Courage in carrying on the War, we ſhall give Laws to all about us, and ſecure that Quiet, which we have procur'd to the reſt of *Europe*.

Powerful Fleets to be maintain'd.

The Means of doing this, is now the common Subject of Diſcourſe. All agree in one thing, that we ought to maintain our Empire on the Sea with powerful Fleets, ſtrong Summer and Winter Guards, and that our Stores ought to be well fill'd, and our great Ships kept in ſuch a State, that we may be in a condition upon ſhort Warning to ſet out Royal Fleets. This is ſo neceſſary, that I ſuppoſe it is needleſs to ſpend more time upon it. The only Point in which our Opinions may perhaps differ, is, Whether we ought to maintain ſo conſiderable a Force at Land, as will be ſufficient to make a Stand againſt an Invaſion; or whether the Militia can be made ſo conſiderable, that we may truſt to it at home, as well as to our Fleets abroad, and be ſafe in this.

I will not ſuggeſt ſo unbecoming a Thought, as to imagine that any of our Neighbors will ſeek to take Advantages againſt us, or break the Peace, and invade us contrary to the Honour and Faith of Treaties. No, I will not ſuſpect it. But the beſt Guaranty of a Peace, is a good Force to maintain it: And the ſureſt way to keep all our Neighbours to an exact Performance of Articles, is to be upon our Guard. They will be then faithful to Agreements, when they ſee no Opportunities of ſurprizing us, and that our Peace does not lay us aſleep, and make us forget the Art of War. I mean, it is no Reflection on any of the neighbouring Princes, when I conclude that their Faith is not ſo abſolute a Security, but that we muſt help them to be true to their Word, by ſhewing them that they are not like to gain much by breaking it.

But miſtake me not:

No Jealouſy of the King.

When I ſeem to prepare you to conſider the Neceſſity of keeping a Land-Force, I am far from the thought of a Standing Army. Any Man who would pretend to give a Jealouſy of the Nation to the King, and ſuggeſt that he could not be ſafe among them without he were environ'd with Guards and Troops, as it was in the late Reigns, ought to be abhor'd by every true *Engliſhman*, by every Man who loves Liberty and his Country. The Caſe at preſent is, Whether, conſidering the Circumſtances that we and our Neighbors are now in, it may not be both prudent and neceſſary for us to keep up a reaſonable Force from Year to Year: The State of Affairs both at Home and Abroad being every Year to be conſider'd in Parliament, that ſo any ſuch Force may be either increas'd, leſſen'd, or quite laid aſide, as they ſhall ſee Cauſe. I will not argue with you ſo unfairly, as to urge much the Reaſons that we have of truſting the King; for how much ſoever may be ſaid on this Head, either from his Temper, his Circumſtances, his Intereſt, and the Courſe of his paſt Life, either with relation to the *United Provinces*, or to us here in *England*, and with how much Reaſon ſoever this might be proſecuted, yet I will not lay much

weight on it; for it is not juſt to preſs an Argument that puts another Man in pain, when he goes to anſwer it. I know it may be ſaid, That Men are but Men; ſo that we make a dangerous Experiment of their Virtue, when we put too much in their Power: And that what is done to one King, who deſerves it, and will manage it faithfully, will be made an Argument to do the ſame for another King, that has neither Merit nor Capacity to intitle him to ſo intire a Confidence.

To ſay all in one word, if we were in the ſame Condition in which we and our Neighbours were an Age ago, I ſhould reject the Propoſition with Horror. But the Caſe is alter'd; the whole World, more particularly our Neighbors, have now got into the miſtaken Notion of keeping up a mighty Force, and the powerfulleſt of all theſe happens to be our next Neighbour, who will very probably keep up great Armies: And we may appear too inviting, if we are in ſuch an open and unguarded Condition, that the Succeſs of the Attempt may ſeem to be not only probable, but certain. *England* is an open Country, full of Plenty, every where able to ſubſiſt an Army; our Towns and Cities are all open, our Rivers are all fordable, no Paſſes nor ſtrong Places can ſtop an Enemy that ſhould land upon us; ſo that the whole Nation lies open to any Army that ſhould once come into it.

France is for a ſtanding Army.

Objection. To this you may reply, Can an Army be brought together, with a Fleet to bring it over, and we know nothing of it? Theſe things require Time, and we cannot be ſuppos'd ſo deſtitute of Intelligence, as not to know of ſuch Preparations. In ſuch a Caſe, our Fleet will cover us, while our Militia may be exercis'd, and march'd where the Danger is apprehended. This may ſeem plauſible, and will no doubt work on ſuch as do not conſider Things with the Attention that is neceſſary.

Anſwer. But do not we remember, that we were lately twice almoſt ſurpriz'd; once from *la Hogue*, and again from *Calais*? We muſt not expect that God will always work Miracles for us, if we are wanting to our ſelves. If in a time of War and Jealouſy we were ſo near the being fatally over-run, without either Warning or Intelligence; it is much more poſſible to ſee ſuch Deſigns laid in a time of Sloth and Quiet, when we are under no Fears nor Apprehenſions; and this may be ſo manag'd, that the notice we may have of it, may come too late for us to be able to prevent or reſiſt it. And what will our Intelligence ſignify, if we are in no condition either to hinder the Deſcent, or to withſtand the Force that may be ſent againſt us? Abſolute Governments, where all depends on the Will of the Prince, and where Men are ruin'd, who fail either in performing what is expected from them, or in keeping the Secrecy that is enjoin'd them, can both contrive and execute Things in another manner, than can be conceiv'd by thoſe who have the Happineſs to live in free Governments. Troops may have ſuch Orders for Marches and Counter-marches, that thoſe who are on the Place ſhall not be able to judg what is intended, till it is not poſſible to hinder it. Croſs Winds may make this come yet later to thoſe who have a Sea between them. Orders may be given to many different Perſons in many different Places, who ſhall know nothing of one another till they meet in a general Rendevouz.

Neceſſity of a good Fleet. It is true, we muſt ſuppoſe that we ſhall have good Fleets abroad; but one would not put ſo great a thing as the Safety of the Nation to ſuch a Hazard, nor depend upon a ſingle Security when that is liable to Accidents: The ſame Wind that may bring over a Fleet and Army to invade us, may keep our Ships in Port; ſo that it ſhall not be poſſible for them to look out, or if they ſhould have a favourable Minute to get out, it may ſo ſhatter them that they ſhall not be able to defend either our Seas or our Ports. This may well be ſuppos'd, for it really happen'd when the King landed firſt in *England*; the late King had then a powerful Fleet, which if it could have engag'd the *Dutch*, would have been probably too hard for them, eſpecially conſidering the Tranſport Fleet that they guarded: but the Eaſt Wind that brought over the King, kept them in the River till the *Dutch* had paſt them; and when they got out, a Storm ſtop'd and ſhatter'd them, ſo that without being able to come to any Action, they were laid up. And would any Man hazard the Nation upon ſuch a Contingency?

Militia conſider'd. But the laſt thing in reſerve is our Militia. Great Bodies may be brought together; the Men are brave, capable of Diſcipline, and they naturally love their Country: Their Officers being Men of Eſtates, may be well truſted with the Concerns of the Nation in which they have ſo good a Stake.

I will never enter upon ſo invidious an Argument as to diſparage our Militia, or derogate from them: I do not doubt but they are much the beſt in the World, and

and if they had a Militia to deal with I ſhould doubt little of the Deciſion. But you and I have ſeen Armies too much not to know the difference that is between Troops that have been long train'd, who have learn'd the Art, and are accuſtom'd to the Diſcipline of War, and the beſt Bodies of raw and undiſciplin'd Multitudes. The whole Method of War is now ſuch, that diſciplin'd Troops muſt prove a very unequal Match to much greater numbers of Men, who yet perhaps, upon half their practice, might prove too hard for them. I know it will be urg'd, that our Militia may be ſo train'd and model'd, as to be made more capable of Service than perhaps they are at preſent: This is a Work of Time, a Project that depends upon ſo many Particulars, and may be ſubject to ſo many ſlips in the Execution, that it muſt be confeſs'd a Nation is much expos'd, if its Safety and Preſervation muſt depend upon ſuch Uncertainties. We have Troops that have paſs'd through a long Apprentiſhip, and to our coſt have learn'd that unhappy Trade which is now become ſo univerſal, that it is thereby made neceſſary; we muſt either be preſerv'd by it, or periſh by it. Many gallant Gentlemen have broke the courſe of their Studies, and the other Methods of Life they were in: It will not only be a hardſhip put upon them, but it will be the rendring our ſelves naked and defenceleſs, if, after all the Reputation that we have riſen to in War, we ſhould ſink into an unbecoming Remiſſneſs in Peace, and upon the remote and uncertain Fears of Dangers that will probably never happen, expoſe our ſelves to thoſe which we may certainly look for, as ſoon as we have put our ſelves out of a Capacity of reſiſting them.

Uſe of Land Forces in the late Reigns.

To tell you the Truth, I cannot ſee ſome Men grow all of the ſudden ſuch wonderful Patriots, ſo jealous of Prerogative, and ſuch Zealots for Publick Liberty, without remembring what their Behaviour was ſome Years ago in the late Reigns, when we had not only all the juſteſt Cauſes of Jealouſy, but all the Certainties of Evidence: The Deſigns were bare-fac'd, and the Attempts were bold; and yet ſome were then ſilent, and others went into them, with as hearty a Zeal for Arbitrarineſs as they ſeem now to put on for Liberty. The Methods they have taken during the War have been ſo ill diſguis'd, that few will believe they are in earneſt, when they talk of Liberty and Law, who ſeem'd to have labour'd hard to lay us open to Invaſion and Conqueſt. What they could not compaſs during the War, they hope now to bring about by laying us aſleep in Peace; for if we let go a real Security, and truſt to an imaginary one, we may pay too dear for the Experiment, and be convinc'd of our Error when it will be no more in our Power to correct it.

Lacedemonian Militia.

But I know ſome will urge the *Roman* and *Lacedemonian* States for our Militia. It is a wrong way of arguing, to apply the Precedent of any one Time to another, unleſs all things in both Times did agree. Every thing is ſafe in any State when it is equal, if not ſuperior to thoſe about it. *Lacedemon* and *Rome* were at leaſt upon the ſame foot with their Neighbours. They were indeed far ſuperior to them: At *Lacedemon* they bred their Youth to nothing but War, or to other Exerciſes that render'd them fit for it, and to a ſhort and pointed way of Talking. They had neither Arts nor Learning among them; ſo that their whole Republick was like a Standing Army that threaten'd the reſt of *Greece*. The *Romans* in the Times of their Liberty, were but a little diſtinguiſh'd from them: They allow'd indeed of Agriculture, and put their own hands to it, which the *Lacedemonians* left to their Slaves: But they were all train'd to War, and no Man among them could pretend to Imployments, till he could reckon up ſo many Campagns, and ſhew the Wounds he had receiv'd in them; ſo that here was a Military Republick: It was not only equal, but ſuperior to all about them for this very thing, and ſo no wonder if it conquer'd them.

Theſe Precedents can never ſute our Times, unleſs we could change our whole Conſtitution at home, as well as the State of Affairs abroad, and baniſh from us not only Luxury, but both Wealth and Trade. The Accounts that we have of the Militia in *Sweden* are not very encouraging; the new modelling it there has ſignify'd little to preſerve their Liberty.

Practice of our Anceſtors.

Others will perhaps ask, How did our Anceſtors not only defend our Country, but render it terrible to all about it, particularly to thoſe from whom we ſeem now to be moſt in danger? This is a Topick that may furniſh a great deal of popular Eloquence, and may impoſe upon ſuch as are proud of the Valour of their Country, and have read only ſo much Hiſtory as to remember the Names of ſome Battels, and the Numbers of the Armies. But all were then alike as to this Matter, while

all Nations were equally ignorant of War, and were only set on the Arts of Peace; then, no doubt, in those short Wars that broke out, the braver Nation had always the better. But it is evident from the first beginnings of History down to this day, that Regular Troops were always too hard for a Militia. *Lacedemon*, *Athens* and *Thebes*, in their turns had the better one of another, as their Armies were better train'd, and had more Experience in War. At last the King of *Macedon*, who had been much despis'd by them, subdu'd them all. *Cyrus*, by training the *Persians*, conquer'd the *Babylonians*; and *Alexander* by the Army which his Father had train'd, tho he had numerous Armies, or rather a great Militia brought against him, yet he made an easy as well as a speedy Conquest of the *Persian* Empire. While the *Romans* were but a Militia, tho they were the best that ever was, they made War on their Neighbours, who were weaker than they, with great Advantage: but when *Hannibal* came against them with a trained Army, they fell before him upon every Occasion, till a long War had taught them that Art, and then they not only beat him out of *Italy*, but forc'd *Carthage* to a Submission. Nothing stood before the *Roman* Armies, as long as they were kept under Discipline; but when all the order of War was broke, and they became a Militia, the Northern Nations in *Europe*, as well as the *Saracens* in the East, over-run the *Roman* Empire. As the *Saracens* slacken'd their Discipline, the *Turks* carry'd it from them; And if they had depended on their *Timariots*, and had not trusted more to their *Janisaries* and *Spahies*, they had not been the Terror of *Christendom* for so many Ages. So certain it is, from the Histories of all Nations, that regular and disciplin'd Troops will be far superior to the best and strongest Militia in the World.

Instances from antient History.

Militia in Q. Eliz. Time.

To all this it may be said, How did we do in Queen *Elizabeth*'s Time? Our Militia was then our only Army; to it we trusted, and we were preserv'd by it. But I must crave leave to put you in mind of some Particulars in this part of our History: We were then in such imminent Danger, that we were given for gone by the wisest Men of the Age: It was the Storms and Winds, the disproportion'd Bulk of their Ships, the Stiffness of the Orders, and the Distast given to the Prince of *Parma*; all which concurred at that time to save *England*. Neither our Militia, nor our Fleet had a share in it; there was an extraordinary concurrence of many Things in that Juncture that preserv'd us: but it were to presume too much on Providence to lay our selves as open as we were then, because we were at that time so wonderfully deliver'd. But I must tell you our Danger is now much greater: *Spain*, it is true, had then a great Armada, vast Treasures, and well disciplin'd Armies: But tho their Army lay near us in *Flanders*, the Scene of their Councils, their Fleet and Treasures were at a great distance from us; and yet all the wise Men of that time thought we must have perish'd then. The Danger is now both nearer and greater; a mighty Power, well united and practis'd in War, and a great Naval Force is in view of us. It will be therefore no Argument, because we run a great risk in Queen *Elizabeth*'s Time, but were wonderfully sav'd, that therefore now when we may be in greater hazard, and have a more formidable Neighbour at our very Doors, we ought to take no care of our selves, but neglect the only probable Means of our Preservation; we have had two wonderful Eighty Eights, but we presume too much if we look for a Third, without taking any further care how, or by what means we shall be sav'd.

Vere's Saying to Q. Eliz. about the Militia.

I will add no more upon this Head, but will only tell you a Saying of one of the *Vere*'s, which is still remembred in the Family. The Queen sent to the States for those two famous Generals to command her Army: It seem'd full of Zeal and Courage. The Queen rid up and down through it, to animate the Soldiers, and was every where answer'd with Shouts and Acclamations: She ask'd one of the Brothers what he thought of the Army; he answer'd, It was a brave Army. But she saw by his manner that he was in some doubt about it, so she charg'd him to explain himself: he said, He had not the Name of a Coward in the World, but he was the only Coward there. They were all wishing to have the *Spaniards* land, and every Man was telling what Feats he would then do; he was the only Man that was trembling for fear of it.

The last and strongest Objection against all this is, That this Force will grow upon us, and continue among us: It will have such an Influence within Doors, that it will maintain it self in the House of Commons: or if that should fail, it will turn them out of Doors, and quickly find ways to subsist, to grow upon the Ruins of Liberty and Property.

This

This is a large Field, and Hiſtory is ſo full of Inſtances this way, that it will be eaſy to open copiouſly on the Subject: From the *Pretorian* Cohorts down to our Modern Armies, enough can be gather'd to give a very frightful Repreſentation of a *Standing Army*. Who doubts it? But all the Rhetorick that this Head will afford, is wrong apply'd in this caſe. It is not to be ſuppos'd, but that once a Year a Parliament muſt have this Matter afreſh under their Conſideration. They will ſee how the State of Affairs varies, either at home or abroad; and whether the Forces are brought under ſuch a Management, that there is juſt cauſe of Jealouſy: and I leave it to you to judg, whether it is poſſible in ſo ſhort a time ſo to model and influence it, as to prepare them to invade their Country, and to deſtroy our Conſtitution. What *Ceſar*, with all his Genius, could not work his Army to, but after ten Years Conduct and Succeſs, can give ſmall encouragement to others to attempt to bring it about in one Year. Perhaps you are more afraid of a ſecret Influence, than of open Violence from them. The ſhort of this is, You are afraid the Houſe will be corrupted: I confeſs it is hard to anſwer this, Jealouſy is ſtubborn and incurable; Melancholy when it grows to be a Diſeaſe, raiſes many imaginary Fears; they who are haunted with that ſullen Humour, neither know vvhat they are afraid of, nor why. Poſſible Accidents are ever before them; and the thinking of theſe perpetually, ruins their Health, ſours their Humour, and makes them neglect all their preſent and certain Concerns, while they are ever dreaming of what will probably never happen. We muſt conſider our preſent Danger, and the likelieſt Ways of ſecuring our ſelves from it, without amuſing our ſelves with what may poſſibly be brought about at ſome diſtance of time. Our Repreſentatives do well to ſecure our Conſtitution by the moſt effectual Means they can think on: But after all we muſt truſt *England* to a Houſe of Commons, that is to it ſelf. Whenever the fatal Time comes that this Nation grows weary of Liberty, and has neither the Virtue, the Wiſdom, nor the Force to preſerve its Conſtitution, it will deliver all up; let all the Laws poſſible, and all the Bars imaginable, be put in the way to it. It is no more poſſible to make a Government immortal, than to make a Man immortal. I do not deny but ſeveral Inconveniences may be apprehended from a Standing Force, and therefore I ſhould not go about to perſuade you to it, if the thing did not ſeem indiſpenſably neceſſary to our Preſervation. I would not have us venture upon preſent and certain Ruin, becauſe that which muſt preſerve us now from it, may at ſome time hereafter have ill Effects on our Liberty. They cannot be conſiderable as long as *England* is true to it ſelf; and whenſoever the Nation has loſt that Noble Senſe of Liberty, by which it has been ſo long preſerv'd, it will ſoon make Fetters for it ſelf, tho it ſhould find none at hand ready made.

Inſtance from the Pretorian Cohorts.

Nature of Jealouſy.

To conclude, This Matter is of ſo nice, and yet of ſo important a nature, that it ought to be ſeverely examin'd, without falſe Colours or popular Rhetorick; you know me to be ſo jealous of Liberty, to have been always ſo true to it, to have ventur'd ſo much for it, and to have ſuch a Stake in it, that you cannot ſuſpect me. You know that I neither have, nor can have any Views in this Matter, but at our preſent Safety, as well as the Continuance of our Conſtitution and Liberty for the future.

A Let-

A Letter from the Author of the Argument *against a Standing Army, to the Author of the* Ballancing Letter.

SIR,

THO the Journy-men Scriblers with all their Scurrility can't provoke me to give them an Anſwer, yet when I ſee my ſelf level'd at in ſuch ſoft Language and Gentleman-like Behaviour, I am the more afraid; *Timeo Danaos, & dona ferentes.*

You have been pleas'd in your laſt Paragraph to own the Matter to be 'ſo nice 'and important, that it ought to be ſeverely examin'd, without falſe Colours and 'popular Rhetorick; and you are pleas'd to give your ſelf the Character of one 'zealous for Liberty, a great Adventurer for it, and to have a great Stake in it. If you are the Gentleman I gueſs you to be, I believe your Stake is now conſiderable; but you being a great Adventurer in getting it, it is not worth magnifying your ſelf for it: which gives me occaſion to ſay, I am not of a deſperate Fortune, and what Stake I have being provided for me by my Anceſtors, I am more afraid of loſing it than if it were my own Acquiſition. And after this ſhort Preface, I will proceed to examine into the Matter, *without falſe Colours or popular Rhetorick.*

I think your Letter has ſhew'd theſe three things.

1. What you would have.
2. How long you would have it.
3. For what Reaſons.

Firſt, I perceive you would have us believe we have 'an Honourable Peace to the 'wonder of the World, and that nothing can hurt us but Animoſities and Jealou-'ſies amongſt our ſelves: And ſecondly, you would have 'a Land Force to main-'tain this Peace.

Honourable Peace and Standing Force not conſiſtent.

Now, Sir, I muſt beg your Pardon if my Faith differs from yours; for I can't believe we have an Honourable Peace, in caſe we are oblig'd to keep up a Standing Force to maintain it. Peace is a Ceſſation of the Exerciſe of the uſe of Arms, that we may with ſafety turn our Swords into Plough-ſhares, and Spears into Pruning-hooks; and the Prayers of the Church commanded by his Majeſty for Thankſgiving for this Peace, have taken in that very Text: And if this our Peace will not anſwer this Character, it is not ſuch a Peace as you would have us believe we are bleſs'd with. But ſince we have not ſuch a Peace (for you know better than I) I will go on for Argument-ſake with yours, to ſupply this Imperfection in it. You are pleas'd to ſay, *Page* 585. when you ſeem to prepare us to conſider of the Neceſſity of a Land Force, 'You are far from the thought of a *Standing Army*. Now I'll tell you, Sir, what I apprehend a *Standing Army* to be; Horſe and Foot rais'd under Commiſſion granted by the King, with Swords and Piſtols, Pikes and Muſkets, Pouder and Ball to kill Men. If you by your *Land Force* mean none of all theſe, I am very impertinent in differing with you: But till you are pleas'd to diſtinguiſh your *Land Force* from this Deſcription, I believe all Men will think you mean the ſame by a *Land Force*, as I do by a *Standing Army*; which if you do, then you have declar'd your Thoughts againſt it, and made your ſelf guilty of the moſt apparent Contradiction that ever I ſaw wrote in ſo good a Stile.

The

The next thing you ſhew is, How long you would have theſe *Land Forces* continue, and that is from Year to Year: Which puts me in mind of a Covenant us'd in conveying Lands in *Holland*, whereby the Seller warrants the Land to the Purchaſer for a Year and a Day, which according to their Law is for ever; and ſo, I ſuppoſe, when you ſay from Year to Year, you mean *in ſecula ſeculorum*, as will appear by and by.

The third thing is, for what Reaſons you would have this. And, firſt, 'you 'abhor to give his Majeſty a Jealouſy of his People, as if he were not ſafe amongſt 'them without Guards. But you ſay the Caſe at preſent is, 'Whether, conſi-'dering the Circumſtances that we and our Neighbours are now in, it may not be 'prudent and neceſſary for us to keep up a reaſonable Force from Year to Year: And ſo you ſeem to lay a great ſtreſs upon the Faſhion of other Countries. You ſay, *Pag.* 586. 'The whole World, more particularly our Neighbours, have now 'got into the miſtaken Notion of keeping up a mighty Force; and the moſt power-'ful of theſe happens to be our next Neighbour, who will very probably 'keep up great Armies, and we may appear too inviting if we are in an unguarded 'Condition.

Now, Sir, as to the Faſhion of other Countries: I remember that God having declar'd Laws to the *Iſraelites*, commanded them to keep them, and not to follow or hanker after the Faſhions of other Nations, either in Worſhip or Government. And if we are in the Faſhion of our Neighbours in having an Army, we muſt have their faſhion'd Government too. It is the Faſhion of the *Fr.* K. to have a *Standing Army*, and it is the Faſhion of his Subjects to be Slaves under that *Standing Army*. I obſerve Men that are addicted to Faſhions, follow them in every thing. Now to be Freemen under a *Standing Army* is not the Faſhion of our Neighbours: And I am afraid we ſhall never think our ſelves compleatly in the Faſhion till we have got wooden Shoos too.

Fr. King not to be imitated.

But I ſee, Sir, you are not ſo much a Fop as to be in the Faſhion for faſhion-ſake, but that you think there is a Neceſſity for it; for you are afraid of being invaded by our Neighbours, 'the next and greateſt of whom will probably keep up great 'Armies. And here by the way before I forget it, I would put you in mind of your Tenure from *Year to Year*; for I think by this Argument, you would have our Land Force to continue as long as the *French* King is in a miſtaken notion of keeping up great Armies, ſo that from Year to Year is already become a Phraſe for ever.

For my part I ſhould be unwilling to ſtay for any thing I wiſh for till the *French* King disbands his Army. Therefore, Sir, don't draw Men into your Propoſals by ſowing Pillows under them, by ſoft Language of a *Land Force*, not Standing Army, *from Year to Year, under the Conſideration of a Parliament.* Let us have plain words, and then your Propoſals, according to your own Reaſons, muſt be for a *Standing Army* in *England*, as long as the *French* King, or any of his Succeſſors, keep up a *Standing Army* in *France*. You had as good open your Matter fairly at firſt, for every thing elſe is but flouriſh till you come to the Point.

Land Forces from Year to Year.

Now, Sir, I confeſs I give as little credit to the Words and Leagues of Princes as you do, and depend more upon their Intereſt than Integrity for the performance of them, and therefore am not for leading them into Temptations to attack us, and would always have a Defence ſutable to our Danger. Nature hath arm'd all Creatures with Weapons to oppoſe thoſe that aſſault them, and the Policy of Man hath found out ſeveral artificial ones for himſelf. Now the ſole Debate between us is, In whoſe Hands theſe Weapons ſhould be put.

Leagues not always to be truſted.

Of this matter I have diſcours'd in my *Argument*, *pag.* 573, &c. which you neither can or do pretend to anſwer, and therefore I refer you thither again. Indeed in *pag.* 587, 588. you tell us, 'That Regular and Diſciplin'd Troops are far ſupe-'rior to the beſt and ſtrongeſt Militia in the World, admitting this Condition, that 'there are no Regular or Diſciplin'd Troops in that Militia.

But I will make bold to tell you, that the Militia may be as well diſciplin'd as any Army; nay our own Army, if they were disbanded, will moſt of them be ſent to the Militia; and I ſuppoſe calling them by a new Name, will not make them worſe Soldiers. Now as to your Inſtances in Hiſtory, I ſhall only make this ſmall Objection to them all, That you are miſtaken in every Particular. For the *Perſian* Army

Militia diſciplinable.

Army was made up of Standing Troops, kept up in the ſeveral Provinces of the Empire, and not of Militia, as you falſly inſinuate: and with theſe Armies they conquer'd eaſily the ſeveral Principalities which made up their vaſt Empire, and were defended by *Standing Armies*; but when they came to fight with the *Greek* Militia, all their mighty Armies came to nothing. Of this we have the Inſtances of *Xenophon*, who with ten thouſand *Greeks* marched three thouſand Miles through their Country in ſpite of a numerous Army obſerving him. Afterwards of *Ageſilaus*, who with a ſmall *Spartan* Militia had put an end to the *Perſian* Empire, if the Factions of *Greece* had not call'd him home. The mighty Army of *Xerxes* was deſtroy'd by a *Greek* Militia. Nay, the better part of *Alexander*'s Army was made up of a Militia taken out of the ſeveral Cities of *Greece*.

Inſtance from the Romans anſwer'd.

The Inſtance you give of the *Romans*, makes as much againſt you; for they found more Difficulty in conquering a few little Commonwealths about them, who fought by Militias, than *Aſia*, *Egypt*, and all the arbitrary Governments they conquer'd, which fought againſt 'em with ſtanding Armies. Who will deny that *Cæſar*'s Conqueſt over the *Gallick* Militia, were greater than *Pompey*'s over the *Aſiatick* ſtanding Armies? And whereas you ſay, *Page* 588. 'That nothing ſtood before the *Roman* 'Armies whilſt they were kept under Diſcipline; but when all their Order was 'broke, and they became a Militia, the *Northern* Nations in *Europe*, as well as the '*Sarazens* in the *Eaſt*, overrun the *Roman* Empire: I muſt take leave to ſay, the juſt contrary to this is true: for whilſt they fought by a Militia, they conquer'd the whole World; but afterwards in the time of the Emperors, when they kept up ſtanding Armies of three hundred and ſixty thouſand Men, as *Tacitus* reckons them, they were overrun by every barbarous Nation that invaded them.

Your Inſtance of *Hannibal* is nothing to the purpoſe, for the *Carthaginians* did not beat the *Romans*, but *Hannibal* the *Roman* Generals: He got no Victory but by his own ſingle Conduct; and when the *Romans* fought againſt any other General, they were ſeldom unſucceſsful.

Turkiſh *Armies oppos'd by Militias.*

The *Turks* alſo met with much more Trouble in ſubduing the *Hungarian* and *Epirot* Militias, than all their Empire beſides. *Scanderbeg* with a ſmall Militia came off conſtantly ſucceſsful in two and twenty Battels againſt their numerous ſtanding Armies. *Huniades* and his Son *Mathias*, fought always with Militias againſt the *Turkiſh* ſtanding Armies, and perform'd ſuch Actions as Poſterity can hardly believe, and I am ſure were never equal'd by any other Force.

And whereas you ſay, 'the Preſervation of *England* in Queen *Elizabeth*'s time was 'by accident, and we muſt not always expect to live upon Miracles: I don't find but that excellent Princeſs, and her Court, were of another Opinion. We don't find her, or her Creatures, after the *Spaniards* were defeated, to uſe this Cant to the Parliament: 'Gentlemen, you ſee what a Danger you have lately eſcap'd, we 'were preſerv'd by Providence and Chance, but I hope you will not always expect 'Miracles: It is neceſſary to keep up a ſtanding Force, for I can't depend upon the 'Defence of my People. She ſcorn'd ſuch Traſh, and would have cag'd any evil Counſellor who durſt give her ſuch Advice: She thought her ſelf ſafe in the Affection of her People, tho this Gentleman at above a hundred Years diſtance, tells her the contrary.

Surpriſe apprehended.

But you ſeem very apprehenſive of being ſurpriz'd without Notice; and mention, *Page* 586. the late Attempts from *la Hogue* and *Calais*; and that 'if in a time 'of War and Jealouſy we were ſo near being fatally overrun, without Warning or 'Intelligence, it is much more poſſible to ſee ſuch Deſigns laid in times of Sloth and 'Quiet, when we are under no Fears, and may have no notice of it. Sir, I have no better opinion of our Intelligence during the War, than you have. However the Buſineſs of *la Hogue* was the Talk of the *Exchange*, and in all the publick Prints, beſides the Gazette, two Months before it happen'd: And as to that of *Calais*, his Majeſty, by his extraordinary Care, ſurpriz'd the Enemy with ſeventy Sail on their Coaſt, which they never expected. And that our Notice ſhould be more difficult in Peace than War, I cannot underſtand, ſince in the latter all Ports are ſhut, and Merchants ſtopt; and in the former the Ports are open, Travellers abroad, Merchants at Sea, and an Embaſſador at their Court.

A free and arbitrary Government characteriz'd.

Page 587. you give a great Character of arbitrary Government, where Men are 'ruin'd that fail in performing what is expected from them, in keeping the 'Secrets that are enjoyn'd them, by which the Prince can execute things in o-'ther manner than can be conceiv'd by thoſe that live in free Governments. I am ſure if Impunity of thoſe who fail in performing their Duty, and in keeping our Se-

Secrets, be the Character of a free Government, we are free with a Witneſs. But I can't ſee why the puniſhing of them ſhould be inconſiſtent with a free Government.

And after all, you ſeem to apprehend as ill Conſequences from a Standing Army as I do, as *Page* 589. where ſpeaking of the Dangers of it, you ſay, 'This is 'a large Field, and Hiſtory is ſo full of Inſtances of this kind, that it will be eaſy 'to open copiouſly on the Subject. From the Pretorian Cohorts down to our Mo- 'dern Armies, enough can be gather'd to give a very frightful Repreſentation of 'a Standing Army. And afterwards, in the ſame Page, 'I do not deny but ſeveral 'Inconveniences may be apprehended from a Standing Force, and therefore I ſhould 'not go about to perſuade you to it, if the thing did not ſeem indiſpenſably ne- 'ceſſary. Now I ſuppoſe by indiſpenſable Neceſſity you mean, you are ſure without this Army that our Neighbours will invade us, and that it is impoſſible our Fleets or Militia, however manag'd, can be able to defend us: whether there is ſuch a neceſſity or not, I refer you to my Argument; and if there is not, you have given up the Queſtion: For you, in effect, admit a certain Slavery on one ſide, and if there is but contingent Ruin on the other, it is eaſy to determine on which ſide the Ballance lies. But you ſay that the Parliament ſhall overlook it; but will you be Security the Army ſhall not overlook the Parliament? O but that can't be if they are kept up from Year to Year! '*Cæſar* with all his Genius could not work his Army to 'it in leſs than ten Years.

Apprehenſions from a Standing Army.

Sir, If that be the exact time of corrupting an Army, pray conſider that ours hath been kept up nine Years already. But I am as far from any Jealouſy of his preſent Majeſty as you are, and yet I am not afraid to ſay, that Army which can do no hurt, can do no good.

It is impoſſible to conſider of a Standing Force which ſhall be ſufficient to oppoſe a Foreign Power, without conſidering it at the ſame time ſufficient to ſuppreſs the Subject at home: for they muſt beat thoſe who you ſuppoſe can beat us; and I muſt confeſs I am unwilling to depend on their good Will.

Sir, *Page* 589. you ſeem to think me a jealous, melancholy and timorous Man, overrun with the Spleen; but I fancy my ſelf as free from all this without a Place, as perhaps you are with one. Come don't fear your Stake, I dare give you Land Security that you will come off a Winner.

And as for the gallant Gentlemen of the Army, who you fear will be Loſers, I ſhall be as ready as you to recompenſe them for their Bravery. But to ſuppoſe our Fleets to be ſurpriz'd and betray'd, our Militia to be recreant, and all our Intelligence, Fidelity and Courage to be lodg'd in a Standing Army, I muſt confeſs is out of my Power.

In *Page* 587. you ſay, 'You can't ſee ſome Men grow all on a ſudden ſuch won- 'derful Patriots, ſo jealous of the Prerogative, ſuch Zealots for publick Liberty, 'without remembring what their Behaviour was in the late Reigns. Now I muſt own to you, I am better pleas'd to ſee this, than to ſee ſome Men who were ſuch wonderful Patriots, *&c.* in the laſt Reigns, act the ſame part now as much as in them lies, as the others are ſaid to have done formerly.

Patriots in the late Reigns.

Before I have done I muſt take notice of one Paſſage in *Page* 589. You ſay, 'Whenever the fatal time comes that this Nation grows weary of Liberty, and 'has neither the Virtue, the Wiſdom, nor the Force to preſerve its Conſtitution, 'it will deliver up all, let all the Laws poſſible, and all the Bars imaginable be put 'in the way to it. It is no more poſſible to make a Government immortal, than to 'make a Man immortal. When I join this to the ſenſible Impreſſions you ſeem to have of the Danger of a Standing Army in the next Line, and yet an indiſpenſable Neceſſity of keeping one, methinks you give broad Hints that you think our time is come. But I doubt not there is Virtue enough yet in *England* to preſerve our Conſtitution, tho a wiſer Head than yours deſign'd its Ruin.

No Danger of ruining the Conſtitution.

I will conclude in telling you we have a happy Government, where the King hath all the Power neceſſary to execute the Laws. All Title ariſes upon an equal Diſtribution of Power; and he that gets an over-ballance of Power (for you and I are ballancing) takes away the Title from the reſt, and leaves them a Poſſeſſion without a Right, which is a Tenure at the Will of the Lord.

Now Sir, if a Parliament ſhould ſubject all the Lands of *England* to this Tenure, I make no doubt your Stake and mine would be as ſafe during his Majeſty's Reign, as in our own Poſſeſſion; and yet if you will promiſe me to bring in a Bill to that pur-

purpoſe, I am contented that all I have ſaid about a Standing Army ſhall go for nothing.

Sir, In hopes you will keep up your Correſpondence, I conclude my ſelf

Your moſt humble Servant.

The Militia Reform'd;

Printed in 1697/8.

Or an eaſy SCHEME of furniſhing England *with a conſtant Land Force, capable to prevent or to ſubdue any Foreign Power; and to maintain perpetual Quiet at Home, without endangering the Publick Liberty.*

THE following Diſcourſe (moſt noble Lord) begun at your Requeſt, and finiſh'd within the ſhort time you preſcrib'd, is now made a preſent to the World; which if the Favour deſerves any Return, is oblig'd to your Lordſhip for the Publication. You have long ſince juſtly acquir'd the Eſteem of all good Men; and the known Meaſure of their Prayers, when they wiſh their Relations happy, is, that they may equal your Lordſhip's Probity and Underſtanding. But tho you neither want, nor deſire the Regards of any beſides the vertuous; yet no News can be more pleaſing, than to hear of a conſtant Addition to your Friends, this being an infallible Sign, that the Number of Publick-ſpirited Men increaſes: For he muſt needs be your ſworn Enemy, who is not a hearty Lover of his Country. I purpoſely forbear to expreſs your Name, or to enlarge an Encomium, which, I know, will not be grateful, tho unſuſpected of Flattery; and therefore I leave your Lordſhip to be entertain'd by mine, or your own more ſolid Obſervations.

Advantages of a free Government.

1. TO employ ones Thoughts on what he pleaſes, and to ſpeak as freely as he thinks, is the greateſt Advantage of living in a free Government; the next to this is being Maſter of what you poſſeſs from the Favour of others, or by your own Induſtry; and then, that Merit is indifferently rewarded in Perſons of all Conditions and Degrees. Their due Value is ordinarily ſet upon the two laſt by moſt Men, and Life it ſelf ſhould be readily expos'd to maintain or acquire the firſt; for, without it to live, is, in my Opinion, worſe than any Death. Under Deſpotick Princes none dares mutter at his own, or the Sufferings of his Fellows; much leſs put ſo much Confidence in his deareſt Friend, as to condole their common Slavery, where the Informer is tempted with immenſe Rewards, and certain Death or Diſgrace attend the accus'd. This is the bleſſed Unity of that Conſtitution which ſome admire ſo much, becauſe no Complaints are heard in it; whence they would perſuade us, that it is alſo free from all Grievances. But where Laws ſecure the Rights of the Subject, with the ſame Care as the Privileges of the Magiſtrate, no ſooner is any pinch'd but he cries out; and the Authors of the Peoples Oppreſſion are oblig'd to change their Conduct, or to rectify their Miſtakes. Either the Prince is diſabus'd, when his Miniſters have ſeduc'd him by falſe Repreſentations; or ſometimes the Miniſters refuſe to act, if the Prince be reſolv'd upon arbitrary Courſes. Now, 'tis our peculiar Happineſs in *England*, that no other Government in *Europe* is equal to us, whether the Dignity of the Magiſtracy, or the Liberty of the People be con-

Liberty of England.

conſider'd. But particularly in all dubious Affairs of publick Concern, 'tis every Man's Duty to aſſiſt his Country by his Advice, as well as with his Hand in time of Danger: And Matters are as freely debated among us abroad as within their own Walls by our Senators, who likewiſe in their printed Votes inform us of all their Reſolutions and Proceedings. Theſe Conſiderations, join'd with the Requeſt of a Perſon I honour, have prevail'd with me to deliver my Opinion at this time concerning the modelling and diſciplining of our Militia; and I queſtion not but it will by our wiſe and auguſt Parliament be eſtabliſh'd on ſuch a foot as ſhall effectually defend us hereafter againſt all foreign Force, and conſtantly preſerve our Freedom and Peace at home.

2. But before I deſcend to any Particulars, I muſt premiſe ſomething concerning the preſent Factions that unfortunately divide us, and diſcover their fatal effects too much upon the preſent Occaſion. One ſays, the Tories will never heartily conſent to any Model that makes the Militia uſeful: Another replies, that this is only an ill-natur'd Inſinuation, while ſome of the Whigs oppoſe the thing openly, and are glad of any Pretence to conceal their true Reaſons. But theſe Names are now of a very doubtful Signification. We hear of Court and Country, of apoſtate and adhering Whigs; nor are the Tories more united among themſelves. 'Tis obſervable that no Man, however otherwiſe negligent of his Conduct, is willing to own that without any Reaſon at all he differs from others in Word or Action: but whether he diſſembles, or ingenuouſly tells the Cauſe of his Diſſent, yet Intereſt or Conſcience (real or miſtaken) are the two principal Springs of all Diviſions. Indeed we find by frequent Experience, that where Intereſt ſecretly governs, Conſcience is openly pretended; but in this Caſe no body's bare Profeſſion is to be regarded, his Actions being the moſt certain Interpreter of his Thoughts. If one therefore, who would paſs for a Patriot, has any Intereſt ſeparate from that of the Publick, he's no longer entitl'd to this Denomination; but is a real Hypocrite that's ready to ſacrifice the common Good to his private Gain, than which no worſe can be ſaid of any particular Faction. Now ſuch Diſtinctions as theſe of Whig and Tory, cannot miſs of being often made with a great deal of Partiality and Injuſtice; for, according to your predominant Paſſion, he's a Whig whom you love, and he that you hate's a Tory; and ſo on the contrary, as you happen to be engag'd in either Party. Notwithſtanding, 'tis ſometimes a mighty eaſy thing to ſee thro all theſe feign'd Pretences. Should one, for Example, who was formerly taken for a Friend to Liberty, now that he has got or expects Preferment, neglect or oppoſe any publick Good, in promoting which he might be diſappointed or depriv'd of his Poſt; this Man muſt not think to live always upon the Credit of the old Stock, when it appears that either he has intirely chang'd his Sentiments, or was never ſincere; and that he reſiſted the former Powers, becauſe they were not kind enough to him, but not out of any fix'd Enmity to Slavery. Some Folks there be who ſeem'd at the beginning to favour the Revolution, yet ever ſince oppos'd the Government, becauſe they think their real or fancied Merit not ſufficiently rewarded by the King, to whom it is impoſſible to heap Preferments upon every body tho ever ſo deſerving, unleſs they would be all Commanders without any to obey them. But we likewiſe know others who from Enemies to King *William*, are become his Friends; and this of all Changes is the moſt natural and commendable, that one who by Education, Example, or otherwiſe, was once engag'd againſt the Intereſt of his Country, ſhould upon better Conſideration deſert a Party to join with the Publick. Several of theſe, it may be, never thought for one hour of the Original or End of Societies, till the late Differences gave 'em an Opportunity and Incouragement to do it: And if the Diſcovery of Truth proves to be the Reſult of their Study, we ought not to reject their Reaſons now, becauſe we juſtly diſallow'd their Errors before. Certainly a true Patriot can be of no Faction, nor conſequently for excluding any from ſharing the Bleſſings of that Liberty they are willing to ſupport. If the *Romans* admitted their vanquiſh'd Enemies to an equal Participation of their Laws and Privileges, how much more readily ſhould we embrace our own Countrymen with both Arms, and welcome the Return of our prodigal Brethren to their Duty towards our common Mother? But granting that in this Buſineſs of the Militia, ſome of thoſe who promote it are not ſincere, tho Charity commands us to hope the beſt, we need not be ſollicitous whether they are or not, ſo long as the thing is good in it ſelf, and they concur with us in eſtabliſhing a Conſtitution they cannot afterwards reſiſt if they would, nor, I hope, be willing if they could. This is the higheſt Mark of Sincerity; and, for my part, I ſhall never think him a

Whigs and Tories divided about the Militia.

Intereſt or Conſcience the true Springs of Diviſions.

Who Friends to Liberty.

Converts to King Wil.

Fo to *England* that has a hand in it. But if any continue ſtill ſcrupulous, let him not be aſham'd to imitate the Prudence of the great Apoſtle, who ſaid, *Some preach Chriſt even out of Envy and Strife, and ſome alſo out of Good-will: The one preach Chriſt out of Contention, not ſincerely;—but the other out of Love.——What then? Notwithſtanding, every way, whether in Pretence or in Truth, Chriſt is preach'd; and I therein do rejoice, yea and will rejoice.* Now what's judg'd lawful in Religion, and by an Apoſtle too, may, I think, with a very good Grace be admitted in Politicks. After all, I am the fartheſt imaginable from being an Advocate for any diſaffected Perſons. The Government is under no Obligation to indulge Men continuing in oppoſition to it; nor ſhould thoſe, who are reſolv'd upon adhering to the late King, think upon abuſing the Lenity of the preſent, if the immortal *Brutus* ſpar'd not his own Sons, when they were found plotting the Reſtoration of the abdicated Tyrant.

Phil. 1. 15—18.

Want of Vertue complain'd of.

3. Another thing I am ſorry to hear out of a great many Peoples mouths, is, that we have not Vertue enough to agree upon any tolerable Model of training our Militia, and that it's almoſt impoſſible we ſhould ever recover our former Reputation of Valour. But this Argument is nothing the leſs weak for being ſo common; and the true Intent of ſuch as always cry none but good Men can make good Laws, is (beſides affronting others) to place all Power in the hands of their own Party, who with them are the only good Men. 'Tis Government or Education makes all the Difference among Nations as to Military and Civil Diſcipline, foreign Commerce, domeſtick Oeconomy, or the like. Upon the firſt Diſcovery of this Iſland by the *Romans*, its Inhabitants were found as ſavage as we know the *Americans* to be now. The Climate of *Rome* is ſtill the ſame, the Bodies of its Citizens, and the Diſtances of other Places remain the ſame; yet they have wholly loſt the Secret of conquering the World, and are become as poor and mean-ſpirited as their Anceſtors were gallant and brave; for the latter were free, and the former are ignorant Slaves. To come nearer home, all the pains imaginable have been taken for a conſiderable ſpace to render our ſelves luxurious and illiterate, the better to diſpoſe us to favour the tyrannical Deſigns of our late Kings. But have we not ſo retriev'd our Credit in *Europe* under the Adminiſtration of his preſent Majeſty, as if we had voluntarily ſuffer'd it to be eclips'd a while, that it might ſhine brighter ever after? And to apply this more particularly ſtill, I readily own that the Militia, as now regulated, is burdenſom and uſeleſs; but it follows not that all are neceſſarily ſo, the contrary being plain from the Hiſtories of every Age, as well as from preſent Experience. And before I have done I ſhall give a Demonſtration that the Frame of our Militia could not be more ſucceſsfully contriv'd to render it the Object of the Peoples Contempt and Averſion, with a deſign to create in them a good opinion of Mercenaries, and to make 'em believe a neceſſity of always keeping up a Standing Force of ſuch. In a word, when our Men are better train'd, they will not make ſuch a ridiculous Figure under their Arms; and when the Charge is leſs felt or laid out to better purpoſe, it will be more cheerfully paid.

The Soldier's Plea.

4. But we are ſtill encompaſs'd with many Dangers. It's ſaid that thoſe Soldiers who have ſo bravely fought for ours and the Liberties of *Europe*, declare it is not from any private Intereſt of their own, but out of regard to our future Safety, they deſir'd to be kept on foot; and that in Honour we ought not to diſcharge Men who ſuffer'd ſo much for our ſakes. We are to blame indeed if we don't ſufficiently provide for our own Security; but as to the Soldier's Merits, I anſwer firſt, that their paſt Service is duly acknowledg'd, and order'd to be rewarded. Secondly, That ſuch as never ſaw our Enemies, are more clamorous than thoſe who beat them. And Thirdly, That this unreaſonable Demand was not made by the Body of the common Soldiers, who are generally deſirous of returning home to their Wives, or their Relations, or their Callings; and more particularly at this time, becauſe that hitherto they have known nothing but the Danger, Want or Fatigue of the War; whereas, once taſting the Pleaſures of Idleneſs and Eaſe, they will every day become leſs willing to disband. And now the Queſtion all this while ought not to have been, whether theſe Gentlemen mean what they ſay, or only pretend it; but what's moſt for the advantage of the Nation. This was the Motive of raiſing them, and ſhould be that of eſtabliſhing or laying them aſide. War being their Trade, 'tis no wonder if they be always for continuing it; nor can it ever happen to be otherwiſe, ſhould they be wholly left to themſelves, no more than any other Perſons, without the Intervention of the Civil Authority, would reform the Abuſes of their own Profeſſions. But the Parliament has now put an end to this Diſpute; and, to the great Satisfaction of all good men, granted to his Majeſty

jesty a sufficient Guard both for the Honour and Safety of his Person, with a competent Number besides to secure some important Places till the new Militia is regulated, which, I hope, in a little time may be happily effected. In the following Model Provision is made for several hundreds of the disbanded Army, and I dare say the Change propos'd in their Condition will give most of 'em Satisfaction; tho, by the way, they ought to be content, should the Parliament proceed no further to gratify them than they have already resolv'd. The most stupid Soldier knows very well an Army has nothing in it so charming that could induce the Nation to raise one, but upon some pressing Necessity, and not to keep 'em up perpetually; nor can the Service perform'd be ever so great, as not to be requited under such a Return. I cannot determine whether it would occasion more Indignation or Mirth to hear a Man contending, that because the Soldiers defended our Liberty at the publick Charge for nine years against the *French*, we can do no less than become their Slaves for ever. This Paradox is too gross for any to maintain, or perhaps to intend; yet every considering and indifferent Person must perceive the Consequence to be true. I shall therefore, to avoid the Labour of proving what is self-evident, put you only in mind of the Gentleman, who, having engag'd the Maid to speak a good word for him to her Mistress, would needs when the Lady consented quit her, and marry the Maid, out of pure Gratitude for the pains she had taken on his behalf.

A sufficient Guard granted his Majesty.

5. But the Honour and Safety of the Nation is the commendable Design of all sides; wherein they are certainly in the right, since all Countries must have some Force to defend them against foreign Invasions and domestick Tumults: for as it was their own Good and Security which occasion'd Men first to quit the State of Nature, and to associate themselves into Governments; so the Raising and Regulation of their Forces must be directed and accommodated to the same ends. An Island is best situated for Preservation, as having need of little other Force either to infest foreign Coasts, or to protect its own, besides a numerous Fleet which it can never want. But if it be likewise a Government for Increase, such as ours, its Situation naturally leading it to Trade and planting of Colonies; and if it has the noble Ambition of holding the Ballance steddy between other Governments, of succouring the Distress'd, and grudging Liberty to none, then it must be always provided with a considerable Land-Force. Of this there's no Dispute. Then the only Question is, Whether it be safest to trust Arms continually in the hands of ignorant, idle, and needy Persons; or, only when there's occasion for it, in the hands of sober, industrious, and understanding Freemen. That the latter can never be dangerous to our Liberty and Property at home, and will be infinitely more effectual against an Enemy attacking, or invaded by us, I am now going to prove; and at the same time to deliver an intelligible and practicable Model of disciplining and maintaining such a Force with very little Charge, and no Trouble at all. My Method shall be to lay down a few Propositions, and those very short, to each of which I subjoin a Discourse confirming or explaining it, and containing what other Remarks might be naturally made in that place. But I am so far from writing all I have read or observ'd upon this Subject, that I shall omit several useful things wherein the World seems to be already well satisfy'd, or that are not absolutely essential to my purpose. As I expect the common Fate of all Writers, that some probably out of Ignorance or Malice, and others perhaps from substantial Reasons may except against my Performance; so I desire (as in Justice I am bound) that all real Imperfections, or whatever the Injudicious and Envious may mistake for such, be wholly laid at my own door, and not charg'd upon the Subject, which ought not to suffer under the Disadvantage of unskilful Management.

The Safety of the Nation the chief Design.

6. Now my first Proposition shall be, *That* England *consisting of Freemen and Servants, none be capable of serving in the Militia but the former.* By *Freemen* I understand Men of Property, or Persons that are able to live of themselves; and those who cannot subsist in this Independence, I call *Servants.* The bare Explication of the Terms should, one would think, be sufficient to persuade any Man of Sense that the former should not only be sooner trusted with Arms than the latter; but that they must needs use 'em likewise to better purpose. For besides that all the Endowments which Nature has made common to both are improv'd in *Freemen*, the very Temper of their Bodies being much stronger and livelier by better feeding, which is no little Ingredient to Courage, they fight also for their Liberty and Property; whereas the other have nothing to lose but their Lives, which are likewise infinitely dearer to those whose Circumstances render 'em more agreeable and easy.

Militia to consist of Freemen.

The

The Practice of the Romans.

The *Romans*, who underſtood the Art of War beyond all the World, did not make Soldiery a Refuge to Poverty and Idleneſs: for none but Men of Fortune and Property, whoſe private Intereſt firmly engag'd them to the Publick Good, had the Honour of ſerving in their Armies. Nay, ſo far were they from employing the poor and ſervile ſort, that unleſs a Man was worth a certain Sum appointed by Law, he was excluded from military Duties, which in that Government was thought no reputable Privilege. All that enjoy'd not the Property aſſign'd, they partly call'd (*a*) *Pollmen*, as being return'd for nothing but their Heads in the publick Taxation; and partly (*b*) *Breeders*, as being no other way uſeful to *Rome*, than by increaſing the number of its Citizens. (*c*) *Seeing a man's real or perſonal Eſtate*, ſays *Aulus Gellius*, *are a ſure Pledg and Hoſtage for his Fidelity to the Government, and that theſe Enjoyments ſeem to be the ground of one's Love to his Country, therefore neither the* Breeders *nor the* Pollmen *were liſted as Soldiers, but in caſe of extraordinary Tumults or Inſurrections.* But they were arm'd upon thoſe occaſions by the (*d*) Publick, and rather employ'd in keeping watch and ward at home, than led into the Field againſt the Enemy. We find that all thoſe who aſpir'd at Tyranny or any unlimited Power above the Laws, as (*e*) *Marius* for example, did conſtantly make Levies of the poorer ſort, putting Arms into the hands of thoſe that had no ſtake to loſe, and who for that reaſon would be ſure not to deſign the Good of the Commonwealth, but only his Profit that employ'd them: nor will they be more faithful to the latter than to the Government, when any other makes them a more advantageous Offer. Now, all this is natural enough, and ſhould not ſurprize any body: for the ſame reaſon that prevails with the Rich to fight for that Government, whoſe excellent Conſtitution ſecures his Property to him, moves the Indigent to ſerve againſt it; and that is to make both their Lives more eaſy: whence it may be concluded, that Citizens will always appear for Liberty, and Servants fight for Bread. 'Tis well known, that all the World over, wherever the Sword is in the hands of the People, it is a free Government, be it of one or of many; and on the contrary all Tyrannies are ſupported by Mercenaries: nor is there any thing peculiar in our Soil, our Air, or in our Perſons to hinder the ſame Circumſtances from producing the like Effects. It is likewiſe to be conſider'd, that all Wars carried on by Freemen are ſuddenly finiſh'd, becauſe, not being inſtigated by Want or the deſire of Rapine, they are ever longing to return home to reap the Pleaſure of their own Poſſeſſions, together with the agreeable Society of their Families, Relations and Friends. But all Wars manag'd by Mercenaries prove extremely tedious and burdenſom, for they never end till the Country that employs them be exhauſted of all its Treaſure, which is their ſole Motive of making Peace. It ought to be alſo remark'd, that a Militia of Freeholders is not only harder to be conquer'd than that of Servants or Mercenaries, but muſt be even ſuperior to an Army wholly compos'd of Gentlemen under an Arbitrary Monarch: for the latter, notwithſtanding their Honours and Privileges, are not abſolutely free, but retain'd on the behalf of Tyranny; whereas Men of Property being all diſciplin'd (as we propoſe) and having Arms in their hands for the Defence of Liberty, upon which from their Infancy they are taught to value themſelves, and to prefer it to all other Conditions (Life, Riches and Honors without it being not only precarious, but of no other uſe than to prolong a miſerable and infamous Slavery) Freemen, I ſay, thus train'd, excel all others in Greatneſs of Soul and Courage: nor are their haughty Spirits ever to be ſubdu'd, eſpecially when they conſider they are fighting for their own, and not otherwiſe employ'd for their Fellows than theſe are for them, their common Endeavours being to ſecure every man's private Property. Such a Conſtitution, where all Perſons are equally educated in Civil and Military Diſcipline, was never conquer'd by any Standing Armies, unleſs previouſly weaken'd by ſome inteſtine Diviſions. On the other

Mercenarys the Support of Tyranny.

Freemen the beſt Support of Liberty.

(*a*) Capitecenſi (a Capitis cenſione) vocabantur qui nullo aut perquam parvo ære cenſebantur. *A. Gellius*, *l.* 16. *c.* 10.

(*b*) Proletarii, à munere officioque prolis edendæ appellati ſunt. *Id. ibid.*

(*c*) Quoniam res pecuniaque familiaris obſidis vicem pignoriſque eſſe apud Rempublicam videbantur; amoriſque in patriam fides quædam in ea firmamentumque erat; neque Proletarii neque Capitecenſi, Milites, niſi in tumultu maximo, ſcribebantur. *Id. ibid.*

(*d*) Armaque iis ſumptu publico præbebantur. *Id. ibid.*

Proletarius publicitus ſcutiſque feroque
Ornatur ferro, Muros, Urbemque, Forumque,
Excubiis curat. *Ennius.*

(*e*) Ipſe (Marius) milites ſcribere non more majorum neque ex claſſibus, ſed uti libido cujuſque erat, Capitecenſos pleroſque;——Quod ab eo genere celebratus auctuſque erat: & homini potentiam quærenti egentiſſimus quiſque opportuniſſimus. *Saluſt. in Bello Jugurt.*

hand,

hand, of two free Governments 'tis poſſible indeed for the greateſt to overcome the leaſt; but then we find (to uſe the words of a moſt obſerving Man) that the Walls and Towers of ſuch a Government become its Funeral Piles, and that it expires in its own Flames, leaving nothing to the Conqueror but its Aſhes; witneſs *Saguntum* when maſter'd by *Carthage*, and *Numantia* by *Rome*. I need not longer inſiſt upon this matter, and therefore ſhall remark in the laſt place, that whenever any free Empire degenerated into Tyranny, as that of *Rome* is known to have done, then Men of Property were not enjoin'd or encourag'd to ſerve themſelves, but either permitted to find others that would go out in their room, or to pay down ſo much ready Mony; upon which occaſion ſays one, ſpeaking of the *Romans*, (*a*) *They ſent thoſe to defend them in the Field, whom they would ſcorn to admit into their domeſtick Service.* Indeed ſome of the Emperors perceiv'd this Error, and endeavour'd to correct it, but in vain, ſince at the ſame time they reſolv'd to continue arbitrary. But however the following Order was publiſh'd by *Gratian*, *Valentinian*, and *Theodoſius*. (*b*) *We decree*, ſay they, *that in our beſt Troops there be no Slave enroll'd, nor any Servants out of Houſes of Entertainment, nor any from Places of infamous Reſort, nor out of Eating-houſes, the Houſes of Correction, or other ſuch infamous Fellows.* Yet we are ſo far from obſerving this Rule of liſting Freemen only, that in the (*c*) Act now in force for regulating our Militia, no Man is oblig'd to ſerve in Perſon, but may ſend whom he pleaſes to appear for him, tho ever ſo poor and weak, or ignorant of the uſe of Arms, and all other Arts.

7. Thus far have I diſcours'd of the Perſons who are to conſtitute our Militia, and now I come to the Method of training them; after which I ſhall orderly proceed to their Number, Charge, Age, and other neceſſary Conſiderations. My Second Propoſition therefore is, *That one Afternoon every Week there be a Parochial Exerciſe of all Males, as well Servants as Freemen, from 16 to 40 years of Age.* Whether this be done on Mondays, or Thurſdays, or Saturdays, is indifferent; and I muſt not forget that the *Switzers* think no Day ſo proper for it as Sunday, from the following Reaſons, *viz.* Firſt, becauſe no other Buſineſs is interrupted by the Exerciſe propos'd, all Labor being already prohibited on that Day; ſo that Servants and their Maſters have equal Leiſure, none are hinder'd from going to Fairs or Markets, nor any Meetings or Bargains interrupted. Secondly, There needs not a more frequent Repetition of the Parochial Exerciſe, no mercenary Soldiers in the World (whatever is boaſted of their Diſcipline) being train'd near ſo many days in the Year, tho no Duty be perform'd in foul Weather. And thirdly, becauſe after the Publick Service of God is over, People are thus reſtrain'd from idle Santring or immoral Courſes, and employ'd, as the *Switzers* think, in the next Work moſt becoming good Men, the publick Service of their Country. But I preſcribe no time, all that I aim at being to have as many days in the Year appointed as will be ſufficient, and alſo convenient. Every Saturday then, or Sunday in the Afternoon (for ſo I may ſuppoſe) all the Men of every Pariſh are to aſſemble on ſome Green or Plain, it may be where the *Buts* were of old, and inſtead of Tipling, Gaming, and other Diverſions equally pernicious to their Minds and Bodies, they learn the uſe of Arms; wherein, as we ſee by Experience, they will be imitated by the very Children, who by that time their Age obliges them to appear in the ſame place, will be ſuperior to their Fathers, and need ſo little Exhortation, that they cannot be prevented from acquiring this Art. To this publick Meeting will all the ſuperannuated and experienc'd Men, all the marry'd and ſingle Women reſort, and create in thoſe that are to exerciſe a noble Emulation of excelling one another in Agility or Skill, as every one is diſpos'd to merit the Affection or Applauſe of the Spectators. This weekly Exerciſe will not only be to all People a grateful Paſtime, and Relaxation from their ordinary Labour or Buſineſs, but alſo greatly influence their very Conſtitutions, by rendering them more robuſt, nimble, healthy, and accuſtom'd to all manner of Fatigue. When 'tis once ſettled, we can eaſily imagine how it may be perpetuated: But to effect the former, we have now a happy occaſion put into our hands of rewarding no ſmall number of thoſe Perſons who have been imploy'd in our Ser-

The Method of training the Militia.

Saturday, or Sunday in the Afternoon, for the Time.

(*a*) Taleſque ſociantur armis, quales Domini habere faſtidiunt. *Vegetius*, *l.* 1. *c.* 7.

(*b*) Inter optimas lectiſſimorum militum turmas, neminem è numero ſervorum dandum eſſe decernimus, nevè ex Caupona ductum, vel ex famoſarum miniſtris tabernarum, aut ex cocorum aut piſtorum numero, vel etiam eo quem obſequii deformitas Militia ſecernit, nec tracta de Ergaſtulis nomina. *Cod. Theodoſ. l.* 7. *tit.* 13.

(*c*) 14 Car. 2. §. 25.

vice

vice abroad theſe ſeveral Years paſt: For let all the Serjeants of the disbanded Army, and, if their Number be not ſufficient, ſeveral of the Corporals or other expert Soldiers, be diſtributed one a-piece over all the Pariſhes of *England*, and enjoy half Pay, or what the Parliament ſhall judg more convenient for one Year; during which time they ſhall be oblig'd to diſcipline the People on the Days and Place appointed. And for their further Encouragement, let it be provided alſo that they may have free Licence to follow what lawful Callings they pleaſe in that Country or Town during their Lives. Thus King *Charles* the Firſt, when he was in the good Humour of iſſuing out a Proclamation *(a) to inſtruct and exerciſe the Train'd Bands, as well Officers as Soldiers, by Men experienc'd in military Exerciſes*, Order'd, *that divers Low-Country Soldiers ſhould be aſſign'd to the ſeveral Counties for this end.*

The Militia uſeleſs in K. Ch. II. time.

But how this good Deſign was put in execution every one knows; nor are we more ignorant how the Militia was render'd uſeleſs under his Succeſſor, when it was enacted that ſingle Companies ſhould be exercis'd but *(b)* four times a Year; and this Exerciſe not to continue above two days at a time, whereby they were likely to prove glorious Soldiers. Now, it is plain that all the People of *England* may be parochially exercis'd in the Uſe of Arms one Afternoon in every Week throughout the Year (unleſs prevented by bad Weather) without any Expence but the Pay of one Man for the firſt Year only; and without any trouble at all, but on the contrary, to the great Satisfaction and Recreation of the People. Here it may be objected, that this ſecond Propoſition of Exerciſing all without any diſtinction, ſeems to contradict the firſt, which ordains that only Men of Property be of the Militia. To this I anſwer, that there is a vaſt difference between training all to Arms, and having every body of the Army. I am ſtill of the ſame Opinion, that none but Freemen be of the Militia; and yet I am for training the Poor and Servants. Firſt, there's no trouble in doing it, they being to appear with their Landlords or Maſters, and tho they belong not to the Number of the Companies, yet they may well be exercis'd in them. Neither is there any danger in it, ſeeing their Arms are only deliver'd to them on thoſe publick Days by the Overſeers, in whoſe cuſtody they are all the Week; for I ſuppoſe a little Armory in every Pariſh. Beſides, the Freemen are always arm'd themſelves, and ready to ſuppreſs the others upon the leaſt appearance of Diſorder. Thus every Perſon in the Kingdom becomes a Soldier; for tho a Servant changes his County, his Maſter, his Work, or Treatment, yet wherever he comes there he's train'd, and has no exemption from Exerciſe. The Deſign of this is threefold: Firſt, becauſe when the Poor and Servants become Freemen themſelves (as, thanks to our Liberty, it happens every day) they may not be ignorant of Military Duties. Secondly, That if the Nation is not diſpos'd to ſend part of their Militia upon any foreign Expedition, their Voluntiers may not be raw undiſciplin'd Fellows, but ready train'd to their hands; nor any thing wanting but to appoint them Officers, and to diſtribute them into Regiments. Thirdly, Upon any ſudden Invaſion from abroad, or in caſe of ſome Domeſtick Inſurrection, they may be added as Auxiliaries to the Militia (by which name I ſhall always deſign them hereafter) and be appointed either to ſerve in the Field, or to keep in Gariſons, as ſhall be judg'd moſt expedient in ſuch Circumſtances. The *Romans* made uſe of them upon all theſe Occaſions, and call'd them *(c) Subitaneous Soldiers*, or a *Tumultuary Army*, from the ſudden and tumultuary manner or cauſe of raiſing them. The Parochial Aſſemblies to treat of Civil or Military Affairs, are anſwerable to the *Comitia Curiata* of antient *Rome*; and, by the way, ſeeing ſome Pariſhes may be very thinly inhabited, let every ſuch be join'd to the neareſt, and both be reputed as one.

Servants and the Poor to be train'd up, and their Uſe.

8. Having thus laid the Foundation of all Diſcipline in the Pariſhes, my third Propoſition is, *That the Forces of every Hundred aſſemble at the Capital thereof four times a year, both for publick Exerciſe, and to diſpute Games and Prizes.* Theſe Meetings anſwer in ſome ſort the *Comitia Centuriata* of the *Romans*, wherefore I ſhall make bold to call them *Centuriate Aſſemblies*; for our *Hundred*, *Cantred* or *Wapentake*, is term'd *Centuria* by the politeſt Hiſtorians that wrote of our Affairs in Latin. It is then eaſily underſtood, that in thoſe *Centuriate Aſſemblies* the People meet not to learn the bare handling of their Weapons, that being already perform'd in the Parochial Exerciſes, but to ſhew their Experience, and the Progreſs

That the Forces of the Hundred meet four times a year.

(a) Ruſhworth's *Collect. Vol.* 1. *pag.* 197.
(b) 14 Car. 2. cap. 3. §. 21.
(c) Subitarii Milites, exercitus tumultuarius.

they

they have made at home. Here alſo they are form'd into greater Bodies, and taught all that is peculiar to ſuch, or different from their Duty in ſingle Companies. As for the Games and Prizes, all wiſe Nations have inſtituted the like, ſometimes for promoting of Trade, or only for breeding good Horſes; but generally to educate their People in the love and practice of Arms, or other Exerciſes tending to fit and diſpoſe 'em to a martial Genius, ſuch as Racing, Fencing, Wreſtling, throwing the Bar, or the like; of which you may find various Examples in the Governments of antient *Greece* and *Italy*. Let the Prizes in themſelves be ever ſo inconſiderable, yet once that Honour and Reputation are annex'd to them, Men will as eagerly contend for 'em, as if they were the higheſt Lucre in the World. It has been obſerv'd in all Ages, that nothing is ſo effectual to make one undertake or quit any Enterprize, as the Commendation or Diſgrace attending it; yet theſe have fail'd ſometimes, but a proſpect of Gain ſeldom or never. Now our Prizes are not without their Profit, as well as Uſe and Delight; for, beſides the real Value of what is got, the Winner likewiſe ſtands faireſt for Preferment, where Places are diſpos'd according to Merit. As for the Charge of thoſe Games, it may be made very eaſy, an annual Revenue being eſtabliſh'd for that purpoſe. 'Tis ſo much the Intereſt of the Hundreds to concur in it, that rather than it ſhould not be done, the Capital Town, where the Meeting is to be, will gladly raiſe the Sum in conſideration of the brisk Trade it muſt occaſion at thoſe times: But all ſuch Expences ought to be collected from the Inhabitants according to their real or perſonal Eſtates. And they'l contribute to no Tax, tho ever ſo neceſſary, ſo willingly as to this; becauſe in the firſt place it is not beſtow'd, as the beſt part of ſome other Revenues, on Men of no Merit: Secondly, becauſe it is not carry'd out of the Country: And thirdly, becauſe every Man has his lucky Hit for the Prize to fall to his own ſhare. Now, 'tis all one wherein the Prize conſiſts, whether it be a Silver Chain, a Medal, or any ſort of Plate; for the Diſputes in other Places were not leſs eager to obtain Garlands of Oak or Laurel. But the moſt proper, in my Opinion, are ſome good and beautiful Arms; for the Conqueror, and his Heir after him, will be as loth to part with them in Fight, as proud of wearing them in time of Peace. And this is indiſputably more natural, and will prove far more effectual than the Policy of *Julius Cæſar*, who us'd to adorn the Arms of his Men with Gold, Silver and Gems, that they might the leſs tamely quit ſuch precious things to the Enemy. There muſt be alſo a proportionable difference between the Prizes, the ſame neither in Kind nor Value belonging to the Horſe and Foot, or to him that hits the Mark in ſhooting, and to another that wins at ſome other Game; for I would have them of all uſeful ſorts, and a Field-piece likewiſe in every Hundred to breed expert Gunners, with Magazines of Pouder, Bullets, and all other requiſite Ammunition in every County. Laſtly, I would have it ordain'd that he who at theſe Games has got one Prize, ſhould not be permitted to ſtand for any other at that time; and that the Names of all the Winners be carefully regiſter'd, as well out of regard to the Reputation of particular Perſons, as that the Publick may know where to find able Men in time of need. What a Change this Inſtitution will beget in all the Kingdom; what Trade it will occaſion in the Country; and what Emulation between the Inhabitants of every Hundred (to ſpeak nothing of the principal Deſign) can ſcarcely be imagin'd by ſuch as have never experienc'd any thing like it: and yet there's nothing new or notional in all this, the ſame having been ſucceſsfully practis'd either wholly or partly in many other Places of the World. I ſhall add no more of the Hundreds, but that every City being a County of it ſelf, and other populous Corporations, may hold their Centuriate Aſſemblies within their own Precincts, and not be oblig'd to any Exerciſe abroad, except the annual Encampment, whereof I am now going to treat.

Prizes to be diſputed for.

The Prizes propos'd to be diſputed for.

9. Tho it be of the higheſt Importance to have all Perſons in our Nation parochially exercis'd, and accuſtom'd in the Hundreds to muſter in larger Bodies; yet they may be ſtill ignorant of the Diſcipline of a compleat Army, to which all they have hitherto done is only ſubſervient, as we firſt learn the Names of the Letters, and then to join them into Syllables, in order to read and underſtand a Book. My fourth Propoſition is therefore, *That* England *be divided into three equal Diſtricts, call'd the Northern, Middle and Weſtern Claſſes; and that the Standing Militia of the whole conſiſting of ſixty thouſand Men, twenty thouſand thereof do annually encamp for the ſpace of three Weeks in ſome one of the Claſſes; and ſo to ſucceed by Triennial Rotation, which Rule is alſo to be obſerv'd in the Counties proportionably.* This military Diviſion of the whole Kingdom may be as eaſily imagin'd or perform'd, as the Cir-

Propoſal of dividing England *in* 3 *parts.*

quits appointed for distributing of Justice. Nor is there any Difficulty in apprehending the Triennial Rotation: Suppose, for example, that in the month of *July* 1698, the twenty thousand Men, which is the Portion of the Western Class, encamp somewhere in *Cornwal*, those of the middle Class in *July* 1699, at any Place in *Hartfordshire*, and those of the Northern Class in *July* 1700, in some part of *Yorkshire*: Then you return again in *July* 1701, to *Devonshire*, the Year after to *Surry*, the sixth Year to *Cumberland*, and so perpetually round. The Rotation in the Counties, or changing the Place of Encampment, is grounded upon the clearest Equity; for if the Camp proves a Trouble (as 'tis impossible it should) to the County where it is, then Justice requires that all should bear their share of it: And if on the contrary it be highly profitable by the vast Trade it must occasion in the Consumption of Provisions, or otherwise, and considering too that ready Mony will be paid for every thing, then 'tis as reasonable that all should enjoy the Benefit in their turns. As for the Order to be observ'd, to take away all occasions of Dispute, there needs no more but to cast Lots at the beginning in every Class, to know what County shall be the first, second, third, and so on. But if an Objection should be rais'd by any against the Number of the Classes, from the Largeness of their Bounds, and consequently the great Distance in many Parts from the Place of Encampment; I answer, that 'tis not the precise Number, but the Distribution for which I contend: for the Kingdom may as well be divided into six Classes, each containing ten thousand of the Militia, and annual Camps in any two of them at a time. Thus still the Triennial Rotation remains the same, and we have every year twenty thousand Men (besides the *London*-Militia) encamp'd somewhere in the Kingdom, to the great Terror of all our Enemies, and to our own unspeakable Advantage and Reputation; we have an Army of sixty thousand Freemen to defend the whole Nation, and yet every part of it always provided with a sufficient Number, either absolutely to defend themselves, or to stop any Enemy till our whole Forces draw together. But then this wheeling Number of sixty thousand is very inconsiderable, in comparison of many thousand Freemen more, that are always ready to relieve, to repair, to succeed, or to join them upon occasion; to speak nothing of those exempted from Duty, nor of the poor and servile; all which Orders of Men are not only well disciplin'd, but oblig'd also to serve upon uncommon Emergences. But to return to our Camp, there our Militia learns the highest Perfection of Discipline, and is taught to make regular Sieges and Attacks in all Forms, to storm Castles, to fight Battels, to gain advantageous Posts, to make honorable Retreats, to intrench themselves, to forage, decamp, and, in one word, to perform all the other Duties of an Army. Now, besides the Necessity and Usefulness of all these Exercises, they will be extraordinary entertaining too. The whole Country round will come to divert themselves in this Place, and pass that Season the most agreeably of all the Year. It would be a superfluous Labor to spend more Words in commendation of this part of our Model; and so I come to make one Remark concerning the Expences, after taking notice that the yearly general Exercise, prescrib'd by the Act for regulating our Militia, yet in force, is to continue but only the space of *(a)* four Days. The Assessments laid by this same Act are so grievous as well as useless, that a long Experience, and the general Outcry against them, spare me the pains of shewing their Defects; nor will I for the same Reasons make any stop at the Abuse of calling People so often from their Business, for no other end but to fill the Muster-master's Pockets; neither will I insist upon the intolerable Grievance of Trophy-Mony; all those things, as I said before, being so universally known, that every body can prescribe a proper Remedy. I propos'd three Weeks (and I still think it time enough) for the annual Encampment, *viz.* a Fortnight for actual Service, and the other eight days, upon the supposition of three Classes, for coming and going; and fewer will do, if the Classes be six in number. But suppose another Week be added, then 'tis plain that the Charge of a hundred and twenty thousand Men during one Month, is no more than the Pay of ten thousand for a Year; whence every body may infer how much cheaper we may entertain twenty thousand Freemen for a Fortnight or three Weeks, than ten thousand Mercenaries for a Twelvemonth, making all reasonable Allowance in the Difference of their Pay. The Expence in our Model then is both laid out to much better purpose, and made a great deal easier than any of this nature heretofore.

Rotation propos'd.

County Rotation.

Usefulness and Pleasure of these Exercises.

(a) 14 Car. 2. cap. 3. §. 21.

Nay the very Rotation ſhould recommend it ſelf to all Mens Approbation, ſeeing it comes with reſpect to the Charge but every third Year to the turn of each County, and as to the Duty much ſeldomer to particular Perſons; whereas the Rotation of the *Jews* was monthly, and took in the whole People in a Year: They had twenty four thouſand Men under Arms every Month, and I don't propoſe twenty thouſand for one Month in twelve. But the *Jewiſh* Militia kept Guards and Gariſons too; *Now the Children of* Iſrael *after their Names* (ſays the Author of the firſt Book of their Chronicles) *the chief Fathers, and the Captains of Thouſands and Hundreds, and their Officers that ſerv'd the King in any Matter of the Courſes, which came in and went out Month by Month throughout all the Months of the Year, of every Courſe were twenty and four thouſand.* There needs no more to be ſaid on this Head, only that the Cities of *London* and *Weſtminſter*, with their Suburbs and Liberties, together with the Borough of *Southwark*, are not to be comprehended within any of the Claſſes, but to have their own Camp annually in ſome convenient Place adjacent.

The Charge returns every third year.

10. So far of the Perſons qualify'd to ſerve in the Militia, and the ſeveral degrees of training them: Now we ſhall ſpeak of their Age; for altho this Particular is generally neglected in mercenary Armies, yet it has been ever carefully conſider'd in all free Governments: becauſe the Deſign of theſe being to render the People happy, they impartially aſſign Labor and Eaſe to thoſe Periods of Life to which they are moſt ſutable. Then my fifth Propoſition is, *That every Freeman, when his Turn comes, be oblig'd to perſonal Service in the Militia from the eighteenth to the fiftieth Year of his Age; and that all above or under theſe Years be exempted from the Service, tho not from the Charge.* The *Romans* oblig'd their Citizens to Arms from the (*a*) ſeventeenth to the ſix and fortieth year of their Age, in which time every Man was to go upon the Service of the Commonwealth (in caſe of need) if he were of the Horſe ten, or of the Foot (*b*) twenty times; and if he was hinder'd by Sickneſs or otherwiſe from compleating this Number, he might be compel'd to do it until he was fifty. But all under ſeventeen or above fifty were abſolutely excus'd (*c*), unleſs upon thoſe extraordinary Occaſions whereof we ſpoke before; and then the *Veterans* and *Emeriti* (for ſo they call'd the ſuperannuated Soldiers) might not only be forc'd to take up Arms, but they ordinarily came in of themſelves when their Country was in danger, and by their Valour and Experience did often ſave it from Deſtruction. In like manner, when any General of great Reputation was to go upon ſome glorious Expedition, ſeveral (*d*) Veterans us'd to offer him their Service voluntarily, which was very acceptable, being moſt uſeful both by their Example to the reſt, and their own perſonal Exploits. But I expect to be told, that Gentlemen will never conſent their Sons ſhould be train'd like common Soldiers. Now it may be eaſily perceiv'd, that this Contempt upon the moſt honorable Profeſſion of Arms is purely accidental, and altogether occaſion'd by the mercenary Soldiers abroad, who, excepting ſome Officers and a few Voluntiers, being moſt of 'em the Scum of Mankind, conſiſting of ignorant, brutiſh, mean, beggerly, and idle Fellows, that live only upon a ſcanty Hire, which is ſeldom punctually paid, they muſt neceſſarily have recourſe to Stealing, Robbing, Plundring, Aſſaſſinating, and the like flagitious Practices: and what's ſtill worſe, the arbitrary Princes who maintain them, muſt even let them live upon their ſhifts, by countenancing or conniving at theſe Diſorders; for there's no Remedy unleſs they be duly paid, which is never done except in Free Governments, ſuch as ours and *Holland*. But in a well-regulated Militia Gentlemen make their Diſcipline to be properly an Exerciſe or Diverſion in time of Peace; and in War they fight not only to preſerve their own Liberty and Fortunes, but alſo to become the beſt Men in their Country. Nor are they any thing influenc'd by that Pay which the Government juſtly allows them: for as they who ſit quietly at home ſhould bear their Charges who ſerve them abroad, and not let thoſe be Loſers in their private Af-

Their Age from 18 to 50 to ſerve in.

Veterans and Emeriti.

Mercenary Soldiers what made up of.

(*a*) Servius (Rex Pop. Romani) ab anno ſeptimo decimo, quod idoneos jam eſſe Reipublicæ arbitraretur, Milites ſcripſiſſe dicitur à Tuberone Hiſtorico apud A. Gellium (*l.* 10. *c.* 28.) eoſque ad annum quadrageſimum ſextum juniores, ſupraque eum annum ſeniores appellaſſe.

(*b*) Τὰς μὲν Ἱππεῖς δέκα, τὰς δὲ πεζὰς εἴκοσι δεῖ στρατείας τελεῖν κατ' ἀνάγκην, ἐν τοῖς τετταράκοντα καὶ ἔξ ἔτεσιν ἀπογενεάς. Polyb. de Militia Romana.

(*c*) Lex à quinquageſimo anno Militem non cogit. *Seneca de Brevitate vitæ, c. ult.*

(*d*) Licinius quoque veteres ſcribebat Milites Centurioneſque, & multi voluntate nomina dabant. *Livius, l.* 42. *c.* 32. Militares homines & ſtipendia juſta, & corpora ætate & aſſiduis laboribus confecta habere; nihil recuſare tamen, quo minus operam Reipublicæ dent. *Id. ibid. c.* 33.

fairs, whoſe Valor provides Security to theirs; ſo on the other hand, when it becomes their turn who are now employ'd to keep at home, they will as chearfully contribute to maintain thoſe who ſucceed 'em abroad, as they receiv'd their Pay before. There is no Weight at all then in the Objection, eſpecially ſince no time is loſt to Young or Old: And that there is none is very evident, for no body will ſay that either Gentlemen or Artizans loſe any time in the Parochial Exerciſes; all People allow more time upon their Pleaſures every Year, than is ſpent in the Centuriate Aſſemblies; and their turn in the Camp returns ſo ſeldom as to admit of nothing to be ſaid againſt it. After all, if Gentlemen will be at the pains of fighting for their own (and who can doubt but they will?) 'tis ſurely worth their while to learn the Art of doing it; but of this by and by in a more proper place.

Who are to be Officers of the Militia.

11. The Age of the Perſons conſtituting our Militia being thus determin'd, we proceed next to their Commanders, who make the Subject of the Sixth Propoſition, which is, *That all the Commiſſion'd Officers of the Militia have real or perſonal Eſtates proportionable to their ſeveral Degrees; and that all Perſons thus rightly qualify'd in every County ſucceed one another by Triennial Rotation, the Lords Lieutenants only excepted, who, being General Officers, are not to be chang'd while the King is pleas'd to continue 'em in their Poſts.* The Reaſons for qualifying the Officers by their Property, are the ſame with thoſe I have offer'd under the firſt Propoſition, for admitting Freemen only to ſerve in the Militia, which ſpares me the Labour of Repetition in this place. As for the *Rotation* of Officers propos'd, it is grounded upon unconteſted Experience and Equity. All good Politicians have ever allow'd that to be the beſt and nobleſt Government where Men learn alternately to command and to obey; becauſe at this rate they are not only fitted to ſerve their Country upon all Occaſions, but likewiſe made competent Judges of the Merit or Miſcarriage of others. This was the known Practice of the *Romans*, whoſe General Officers were, in the ordinary Courſe of their Government, annually elected, no body thinking it a Diſgrace to ſerve under him this Year, whom he had commanded the laſt, nor to be afterwards an inferior Officer in that Army, whoſe Exploits were the Effects of his Conduct before. And truly this ſort of *Rotation* ſeems to me a Duty requir'd by the Light of Nature: for keeping an equal Ballance between thoſe of the ſame Qualifications, contributes above all things to keep 'em in Peace and Friendſhip. If the Offices ſhall be thought honorable, pleaſant, or profitable, no body envies another, becauſe they are all to enjoy 'em in their turns: And if on the other hand they ſhould be found a Charge or Trouble, then doubtleſs every one ought to bear his ſhare of the Burden; nor is it at all material, whether they be elected by Lot, or ſucceſſively appointed by the King. The Peers, who are commonly the Lords Lieutenants of Counties, are by this Model reſtor'd to all the Privileges that were truly good and excellent in their firſt Inſtitution, the immediate Command of all the Freemen in *England* under the King being their proper Charge: and the eternal Fame which ſome of their Anceſtors have worthily acquir'd, is wholly owing to the glorious Actions they perform'd in this Quality on the behalf of their Country; and not in the leaſt to that immoderate Power they might then exerciſe over the People, who, if they record any Nobleman upon this account, do it as an Example they execrate and abhor, and not out of Gratitude or Love, as in the former caſe. To the only Objection I apprehend againſt this Propoſition, which is, that it ſeems to limit his Majeſty's Authority; I anſwer, That no Man can truſt him with a greater Power of doing Good (for he would neither accept nor uſe any other) than I am willing to do; ſeeing in the Opinion I entertain of his Juſtice, Valor, and Wiſdom, I believe my ſelf not inferior to any: which Declaration ought to be eſteem'd the more ſincere, inaſmuch as I never had nor expect any particular Favor from him beſides Liberty and Safety, the common Bleſſings of his Government. He knows already that all the Power he has is bounded by Laws; and we are convinc'd by Experience, that he refuſes no Limitation to it when he judges it to be for the Advantage of the Nation. Thus have the Act for *Triennial Parliaments*, and that of *regulating Trials in Caſes of High Treaſon* (to mention no more) paſt by his Authority; whereas no Prince that deſign'd to injure his Subjects, would ever give his Aſſent to either of them. A Perſon of his Sagacity and Prudence will not eaſily be deluded by the mean Obſequiouſneſs of any Miniſters, who make their Court with gratifying what they take to be their Maſter's Inclinations; and, without any regard to his or the Nation's real Intereſt, lay out all their Efforts to gain him ſome invidious Point: for it is a ſettl'd Maxim with moſt of this Race, That *all Kings whatſoever would be Abſolute*; preſuming on which pernicious Doctrine they

Rotation of Officers propos'd.

Objection remov'd.

The King's Authority not leſſen'd.

bring a certain Ruin on the Affairs of Princes, if not happily prevented by their own timely Fall, which commonly happens in Free Governments. But a good King, inſtead of leſſening his own Power by Conceſſions of this nature, gains more Security, Reſpect, and Glory, than could be obtain'd by the moſt numerous Armies. I cannot upon this Occaſion but relate the remarkable Story of *Theopompus* King of *Sparta*, who, as *Valerius Maximus* (a) writes, *when he firſt ordain'd that the Ephori, or Overſeers, ſhould be created at* Lacedemon, *to be ſuch a Reſtraint upon the Kings there, as the Tribunes were upon the Conſuls at* Rome, *the Queen complain'd to him, that by this means he tranſmitted the Royal Authority greatly diminiſh'd to his Children: I leave it indeed leſs*, anſwer'd he, *but more laſting. And this*, adds our Author, *was excellently ſaid; for that Power only is ſafe, which is limited from doing Hurt.* Theopompus *therefore*, continues he, *by confining the Kingly Power within the Bounds of the Laws, did recommend it by ſo much to the Peoples Affection as he remov'd it from being Arbitrary.* But, leſt I might ſeem to digreſs, I demand, What Power is taken out of the King's Hand by our Propoſition? For in the preſent Militia the Colonels, Majors, Captains, and other Officers are to be appointed by the (b) Lord Lieutenant; and I would have 'em choſen by his Majeſty himſelf, or whom he pleaſes to depute, but only qualify'd to ſerve their Prince and Country more effectually: Nor can the Nomination be any where more ſafely lodg'd than in the King for his Life, provided the Act reſtrains it to Election under his Succeſſors, who will enjoy all reaſonable Power, ſince they may appoint or continue the General Officers at their pleaſure. And, beſides the foregoing Conſiderations, nothing can render his preſent Majeſty more eaſy than this part of the Model, ſeeing that by it he has an admirable Opportunity of gratifying all Sides, and diſobliging none; for if he ſhould put any *Tories* in Commiſſion, the *Whigs* would preſently cry, that he was committing himſelf ſolely into their Enemies Hands; and ſhould the *Whigs* be the only Perſons intruſted, the *Tories* would juſtly continue ſtill diſaffected: Whereas on the foot of the *Rotation* propos'd he may fairly employ thoſe of both Parties duly qualify'd to ſerve their Country. And indeed I may venture to affirm, that this impartial Diſtribution of Honor and Profit is the only way poſſible to heal ours, or the Diviſions of any other Government: for ſuch as are not admitted to Confidence and Preferment, are moſt of 'em offended upon no other ſcore; and they who are in poſſeſſion of thoſe Advantages will be always for retaining and engroſſing them, either by the Excluſion or abſolute Ruin of their Adverſaries. But as in War the King has equally protected all his Subjects, ſo I hope in Peace he'll aboliſh their infamous Diſtinctions, and render *England* the Glory and Terror of the World.

The Story of Theopompus *K. of* Sparta.

12. The moſt excellent Inſtitution imaginable cannot be of any conſiderable Duration, unleſs extraordinary Care be taken about the Education of Youth, which is ſhamefully neglected in this Age; for very few are at thoſe Pains and Expence in forming the Manners of their own Children, as they freely beſtow to breed up Setting-dogs and Race-horſes, or on things altogether as frivolous and indifferent. The ſad Effects of this Diſorder are viſible enough every where, and were ever carefully prevented in wiſe Governments. All Legiſlators had a particular regard in their Laws to the breeding of the Young, well knowing that ſuch as they were, ſuch the Government would prove to be. What's amiſs in this reſpect among our ſelves, is more eaſily diſcover'd than reform'd. I ſhall therefore at this time content my ſelf with offering a Remedy in what immediately concerns my Subject, and ſo the Seventh Propoſition of this Scheme ſhall be, *That all now under the Age of Eighteen Years, or that ſhall be born hereafter, be incapable of holding any Poſt of Honor or Profit under the Government (excepting in the Profeſſions of Divinity, Law, and Phyſick) unleſs they firſt qualify themſelves by ſerving two Campagns by Land or Sea.* By this Propoſition none already arriv'd to the compleat Age of Manhood are excluded from bearing Offices; and they who are now full Eighteen, are only kept back till they are Twenty, before which time they could ſcarcely expect Employment even

Education of Youth recommended.

Divines, Lawyers, and Phyſicians, excepted from ſerving.

(a) Cum primus inſtituiſſet (Theopompus Spartanorum Rex) ut Ephori Lacedæmone crearentur, ita futuri Regiæ poteſtati oppoſiti quemadmodum Romæ Conſulari Imperio Tribuni plebis ſunt objecti; atque illi uxor dixiſſet, id egiſſe illum ut filiis minorem poteſtatem relinqueret; Relinquam, inquit, ſed diuturniorem. Optimè quidem; ea enim demum tuta eſt potentia, quæ viribus ſuis modum imponit. Theopompus igitur, legitimis regnum vinculis conſtringendo, quo longius à Licentia retraxit hoc propius ad benevolentiam Civium admovit. *L.* 4. *c.* 1. *de externis*, §. 8.

(b) 14 Car. 2. cap. 3. §. 2.

as

as Matters now ſtand. I cannot therefore foreſee that any Oppoſition will be made to this part of the Model, ſeeing it neither affects them who are actually engag'd in Buſineſs, nor ſuch as ſtand Candidates for Preferment: For the blame of being unqualify'd, as propos'd, ought to be attributed to a Defect in our Conſtitution, and not to any want of Merit in particular Perſons. The Youth themſelves (if we can imagine 'em ſo baſely diſpos'd) are not in a Condition to obſtruct it; and if it happens to paſs, it becomes as familiar to thoſe who ſhall be born hereafter as the other parts of our Government. There remain then no Adverſaries in all probability, unleſs ſome People ſhould envy the happy Effects of it to their Country, which we may better judg impoſſible, than *Solon* that no Parricide could be perpetrated in his Republick, which is the reaſon that he ordain'd no Puniſhment for this horrid Crime. The moſt unthinking among us muſt perceive that no other Method can be ſo effectual to render our Country famous, and our Government laſting. When the young Men (of all others the moſt ambitious of Glory and Honor) are once convinc'd that this is the only Road to Preferment, they will timely qualify themſelves, and ſo all Poſts will be ſupply'd with Perſons of known Experience. Whoever has read the preceding part of this Piece, cannot miſtake my Senſe about the Land-Campagns; but as to the Sea, he that is two Summers aboard any Man of War in our ordinary Guards, or that goes twice in any Veſſel into the *Baltick*, *Mediterranean*, or the *Weſt-Indies*, and once to any part of the *Eaſt-Indies*, ſhall be deem'd rightly qualify'd. It ſignifies not whether it be in War or Peace; for the principal Deſign is to acquaint 'em with the Nature of this Service ſo important to our Iſland, and to give 'em an opportunity of ſeeing Foreign Countries in order to put a true Value upon their own. When one that has thus paſt a part of his time, is afterwards a Member of the Houſe of Lords or Commons, of the Admiralty or Navy, he muſt needs ſpeak more pertinently, and be leſs eaſily deceiv'd in the uſual Diſputes, whether any Miſcarriage is occaſion'd by Treachery or Accident; he can diſcern the Guilt or Merit of the Seamen; he can judg of Victualling, Manning, or otherwiſe fitting out our Ships; and determin the proper Seaſons for every Action, far better than another that never was at Sea unleſs in a Ferry-boat to *Calais* or the *Bril*. We know likewiſe by the great Care the King has taken to ſupply his Ships with able Maſters, and by what we may obſerve in the Accompliſhments of ſeveral Perſons who ſail'd in them, that there is not a properer place of learning moſt part of the Mathematicks, there being no doubt to be made about the particular Art of Navigation. And to ſpeak no more of the Marine (for to hint theſe things is enough) when Gentlemen are ſo long debar'd all their ordinary Land-Exerciſes, they have an excellent opportunity of ſtudying Geography or Aſtronomy, and maſtering the beſt part of Antient and Modern Hiſtory: for they muſt read ſomething in their own defence againſt Idleneſs, the moſt painful Condition in the World; and they may keep Books as conveniently in their Cabins, as in their Studies at home. After a conſiderable number are thus initiated at Sea, while others by Land make the ordinary Tour of *Holland*, *Germany*, *Italy*, and *France*; and that ſeveral, perhaps, have travel'd both by Land and Sea, no Government in the World can be ſo well ſupply'd with Learn'd, Polite, and Able Men to fill all ſorts of Stations. The *Romans* did after this manner educate their Children from their very Cradles in the Theory and Practice of thoſe things wherein they were afterwards to make a glorious Figure in the Service of their Country. They, to whom the particular Inſpection of the Youth was committed, were not Perſons retir'd, and ſtrangers to Buſineſs; but Men of nice Breeding, and that underſtood Mankind as well as the Liberal Arts and Sciences. They inform'd their Pupils (to whom they were rather Companions than Maſters) in the Duties of grown Age, before they arriv'd to it; and, having no Intereſt to keep 'em more ignorant than themſelves, they did not waſt their time by teaching 'em any barbarous Jargon, trifling Notions, or uſeleſs Speculations, which they muſt unlearn again if they would be underſtood, or not be counted ridiculous when they come abroad into the World. *The Young Men*, ſays (c) *Pliny*, *were early accuſtom'd to Arms in the Field, that they might learn by obeying to command, and to act the part of a General while they follow'd one. Aſpiring likewiſe to Civil Dignities, they ſtood by the Door of the Senate Houſe, and were Spectators of the Publick Aſſembly before*

Serving the way to Preferment.

Advantage of ſerving.

The Education of Youth recommended, from the Practice of the Romans.

(c) Adoleſcentuli ſtatim Caſtrenſibus ſtipendiis imbuebantur, ut imperare parendo, duces agere dum ſequuntur, aſſueſcerent: Inde Honores peti-turi aſſiſtebant curiæ foribus, & concilii publici ſpectatores, antequam conſortes erant. *Epiſt.* 14. *l.* 8.

they were Members of it. The Young Gentlemen alſo us'd to chuſe to themſelves Patrons of the moſt eminent Perſons in the City, whoſe great Actions they diligently obſerv'd, and propos'd not ſo much to imitate, as to exceed them. Every Morning they went to their Levée, and thence accompany'd them to the Forum and other Publick Places, where they patiently bore Hunger, Thirſt, and all manner of Fatigue, that they might attain to the higheſt pitch of Eloquence, and be thorowly vers'd in Civil Affairs. When the Buſineſs of the Day was over, they dutifully waited home upon their Patrons, and theſe again on their part took abundance of care to improve the Youth. They were as cautious to give them any ill Examples in Words or Actions, as to their own Children. They entertain'd them with the greateſt familiarity, and the general Subject of their Diſcourſe was about framing good Laws, and the ſeveral kinds of Government; in their own, they taught 'em wherein conſiſted the *(d) Magiſtrates Power*, and *the Liberty of the People*; they explain'd the Art of War, and read Divine Lectures concerning the Excellency of Virtue; never forgetting to inculcate upon every occaſion the Love of their Country as the Foundation of all their future Actions at Home or Abroad: Nor did the Converſation want facetious and pleaſant Intervals to make it eaſier to both ſides. This was the true Source, not only of that unparallel'd Friendſhip, Valour, Prudence, Juſtice, Eloquence, and Generoſity, wherein that braveſt People of the Univerſe excel'd; but even the preeminence of their Hiſtorians above all the Modern proceeds from hence: For the Young Gentlemen being ſo intimately acquainted with the Actions of their Patrons, and writing down their remarkable Sayings, or copying their moſt finiſh'd Compoſitions, they afterwards frequently mention'd or quoted them; ſo that all the beſt and virtuous Examples became commonly known. But of this Subject I ſhall ſpeak more copiouſly in my *Brutus*, or *The Hiſtory of Liberty and Tyranny*, which I am now digeſting, with a Deſign, whenever finiſh'd, to publiſh it in *(e) Latin* and *Engliſh*. In this Work I endeavor to copy the People whereof I treat, and will confirm my Subject with the moſt beautiful Paſſages of the Antients, as well as illuſtrate it by Modern Examples, both of the Dead and the Living. As to the latter I ſhall make little mention of the worſe ſort, thinking to diſhonor 'em more by ſilencing their Names, ſhould my Hiſtory laſt to Poſterity, than by relating their infamous Actions; and if my Book miſcarries, they are but in obſcurity ſtill. That the number of extraordinary Men is very ſmall in our Age, we need not deſire a clearer Demonſtration, than to find ſo few Hiſtories tolerably pen'd; for 'tis want of Matter, and conſequently of Encouragement, but not of Ability, which makes our Writers ſo much inferior to thoſe of paſt Times, when *Cicero* himſelf courts to be immortaliz'd by the *(f)* Pen of *Lucceius*. *Pliny*, who liv'd in the Decay of the *Roman* Empire and Manners, tells us what Honors were formerly confer'd on thoſe who wrote the Hiſtories of Governments or Great Perſons: *(g) But in our Time*, ſays he, *this Cuſtom, as ſeveral good and excellent things, is quite aboliſh'd; for ſince we left off to do commendable Actions, we think it impertinent to be commended.* This Digreſſion (if any thing that makes for my Purpoſe may be ſo call'd) is intended to excite our Youth to purſue Fame by noble and uſeful Performances. *Tully*, whoſe Eloquence and Quality of a *Roman* Senator made him an Advocate for Kings, diſdains not to acknowledg that he wrote the beſt part of his incomparable Works to reform *(h)* and inſtruct the Youth: which in that declining State of the Commonwealth, was ſtrangely corrupted. The two Years of Action which I add to their Sedentary Studies, will not, I hope, ſeem tedious, if in their reading they obſerve that the *Romans* were to ſerve ten times to become capable of certain Poſts, ſeven times

Tully's Deſign in moſt of his Writings, was to reform the Youth.

(d) Quæ Vis magiſtratibus, quæ cæteris Libertas. *Id. ibid.*

(e) *BRUTUS*, ſive Libertatis & Tyrannidis Hiſtoria.

(f) Ardeo cupiditate incredibili, neque, ut ego arbitror, reprehendenda, nomen ut noſtrum ſcriptis illuſtretur, & celebretur tuis.——Neque enim me ſolum commemoratio poſteritatis ad ſpem quandam Immortalitatis rapit: ſed etiam illa cupiditas, ut vel auctoritate teſtimonii tui, vel indicio Benevolentiæ, vel ſuavitate Ingenii, vivi perfruamur. *Epiſt. Famil. l. 5. Ep. 12.*

(g) Fuit moris antiqui, eos qui vel ſingulorum Laudes vel urbium ſcripſerant, aut Honoribus aut Pecunia ornare: noſtris vero temporibus, ut alia ſpecioſa & egregia, ita hoc in primis exolevit. Nam poſtquam deſiimus facere Laudanda, laudari quoque ineptum putamus. *L. 3. Ep. 21.*

(h) Quod enim munus Reipublicæ afferre majus meliuſne poſſumus, quam ſi docemus atque erudimus Juventutem? his præſertim moribus atque temporibus, quibus ita prolapſa eſt, ut omnium opibus refrenanda ac coercenda ſit, *&c. De Divinatione* l. 2. c. 2.

for

for others, and four e'er they could fill any Place almoſt in the Government.

13. Hitherto the whole Diſcourſe related to our own Defence againſt Invaſions; but ſometimes we are oblig'd to tranſport Armies beyond the Seas, either to aſſert our own Rights againſt inſolent and treacherous Enemies, or elſe to aſſiſt our Friends and Allies. That ſuch Occaſions may frequently happen, none will go about to deny; yet Multitudes (I'm afraid) will diſlike the Methods I would have obſerv'd in the management of our Foreign Wars. But my Aſſertions are not the leſs ſolid becauſe ſome People are Cowards, and others now unaccuſtom'd to what their Anceſtors ſucceſsfully practis'd heretofore: Nor ought the reſt of the Scheme, ſhould any reject this part of it, be counted the more weak or inconſiſtent. So my Eighth Propoſition is, *That the main Body of our Armies abroad be wholly compos'd of the Free Militia, the one half to be annually reliev'd by ſucceſſive Levies in the Claſſes; and be always corroborated with a ſufficient number of Auxiliaries.* We prov'd before under the Firſt Propoſition, that Freemen will fight better than Servants, that all Wars carried on by the former are quickly finiſh'd, that wherever the Sword is in their Hands that Government is free, and that they are conſequently diſus'd or diſcourag'd from bearing Arms by ſuch as deſign to ſet up a Tyrannical Power. Now, all theſe Reaſons ſhould prevail with us to ſend our Militia of Citizens abroad inſtead of Mercenaries. The *Romans* in point of War are the beſt Example, with reſpect to Succeſs or Safety, that any Nation can imitate; and while they ſtrictly adher'd to this Rule, they were both invincible themſelves, and no People on Earth could reſiſt the Force of their Arms. But when their antient Orders were neglected or aboliſh'd, then they became an eaſy Prey to all that invaded them. Thus the *Eaſtern* Nations, tho infinitely ſuperior in Numbers and Territories, yet by reaſon of their luxurious living, and that they plac'd their chief Strength in mighty Bodies of Mercenaries, they were quickly ſubdu'd by the Militia of *Italy*; nor would the Inhabitants of that Country perform leſs at this preſent time, were they under the ſame Diſcipline. The *Gauls*, *Germans* and *Brittons* were more valiant, it's true, than the *Aſiatic* Nations, and better order'd (for they were a kind of Militia) but they were alſo finally ſubdu'd and broken by the *Roman* Legions. On the other hand, when the Sword was taken from the Citizens or Freemen, and put into the Hands of Servants by the Arbitrary Emperors who durſt not truſt Men of Property, the Oriental Countries not only ſhook off the *Roman* Empire, but likewiſe the *Lombards* and *Goths* invaded *Italy* it ſelf; and tho not exceeding the old *Gauls* and *Germans* in Courage or Conduct, yet they abſolutely conquer'd the Conquerors of the World. In ſhort, the *Romans* loſt their Liberty and Property, and with them all that ardent Love to their Country, which made them ſo freely bleed in its defence before. And indeed no Man of Senſe ever meant any other thing by that Inclination for one's Country, ſo much celebrated in the Works of Orators and Poets, but only the good Government of it. *Dimicare pro Aris & Focis* was a ſynonimous Expreſſion in the Mouth of a *Roman*, for *pugnare pro Patria.* Hence it is that *Brutus* reproaching *Cicero* for the ſervile Court he made to *Octavius*, ſpeaks to him in theſe Terms; (*i*) *Do you believe then*, ſays he, *that we receive Security when our Lives are ſpar'd? Or how can we accept of the latter, if firſt we muſt part with our Liberty and Dignity? Do you think that to be ſafe, it is enough to live at* Rome? *The Thing and not the Place can only put me in that condition.* And afterwards he adds, (*k*) *Either I ſhall reduce thoſe to their Duty who oppreſs their Country, or remove to a great diſtance from you that are willing to be Slaves; and, wherever I may be free, there think my ſelf in* Rome. We likewiſe are taught to love our Country above all others, valuing our ſelves every moment upon being *Engliſh-men*; and that moſt deſervedly, for we cannot ſpeak too magnificently of our Felicity. But we never mean our Soil or Climate, ſeeing theſe are much excel'd by ſeveral others in the World; therefore it muſt be our Government that makes the Scale heavier on our ſide. A partial Affection to the Land where we firſt drew our Breath, abſtracted

In what manner the Armies abroad are to be rais'd.

The Roman *Military Diſcipline.*

(*i*) Videmur ergo tibi Salutem accepturi, cum vitam acceperimus? Quam, ſi prius dimittimus Dignitatem & Libertatem, qui poſſumus accipere? An tu Romæ habitare, id putas incolumem eſſe? Res non Locus oportet præſtet iſtuc mihi? *Lib. ad Brut. Ep.* 16.

(*k*) ——Aut longe à ſervientibus abero, mihique eſſe judicabo Romam, ubicunque liberum eſſe licebit. *Id. ibid.*

from

from other Conſiderations, is but a childiſh Prejudice, not leſs ridiculous than that of ſome elder Perſons, who think it an extraordinary Bleſſing to be laid in the ſame Graves with their Relations. The *Romans* then were always poſſeſs'd with a hearty Kindneſs for their Country; and being earneſtly deſirous of returning to it in Peace, as well as certain of receiving the Rewards and Applauſe due to their Merit, they perform'd Wonders abroad. The Reaſon why no other People did as much, is, becauſe the Government of no other Place was ſo well conſtituted. Here was no difference between the Citizen and the Stateſman, between the Husbandman and the Soldier; whence the Minds of the Inhabitants were enlarg'd to that degree, that they became capable of deſigning and effecting every thing. Their Knowledg and Politeneſs made them ſenſible of the Excellency of their Conſtitution, which ſtill encreas'd their Fondneſs of it, and render'd 'em ſo valiant to preſerve it. Their City and Territory were divided into ſeveral Tribes, not unlike our Counties, and their Aſſemblies call'd *Comitia Tributa*. Their People again were diſtributed into ſix *Claſſes*, beſides the leſſer Diviſions of *Centuries*, and *Curiæ* or *Pariſhes*. Now, their Militia going always abroad by *Rotation* out of the *Tribes* and *Colonies*, together not ſeldom with their Allies, whenever they were beaten (as in the dubious Events of War it muſt happen ſometimes) they were immediately repair'd; and ſo one Army conſtantly ſent after another, which could not fail where the People were all diſciplin'd, till no Force whatſoever was able to ſtand before them. But when a Mercenary Army is once routed and diſpers'd, then all is irrecoverably loſt, becauſe that either you cannot preſently take the Field again, or you only oppoſe the Enemy with undiſciplin'd Multitudes. Now we may eaſily conceive why a Militia of Freemen are for venturing a Battel whenever they are favor'd with an Opportunity of doing it, whereas Mercenaries are obſerv'd to decline fighting as much as they can; for, to ſpeak nothing of what we ſaid before concerning their different Diſpoſitions, the firſt are ſure of making good their Loſſes by a *Rotation* of their Fellows, and the latter wait for Advantages, becauſe the Loſs of one Battel is often enough to ruin them. From all that is premis'd, I think I may conclude, that to make ſucceſſive Levies of our own free Militia out of the ſeveral Parts of *England*, and corroborated with ſome Auxiliary Regiments, is the beſt Method of waging the Wars abroad, whether we deſign to bring 'em to a ſpeedy Period, or to ſpread wider the Terror of our Fame and Arms. The Names of all Perſons capable of Military Duties in every County muſt be carefully regiſter'd to facilitate the *Rotation*, as was done in the *Roman* Tribes, where every Man was ſworn (both in regard of the Charge and Service) to conceal neither the Name, Age, Condition, or Quality of any in his Family, that every one, who was able, might by his Purſe or Perſon contribute to the Publick Good. The Regiments may likewiſe be denominated from the Countries or Places that ſend them, which will create an Emulation in the ſeveral Parts of the Kingdom to outdo each others Actions. They will be as eager ſometimes for regaining the Honour which one loſt, as fearful to loſe what the other won. Thus Men of Arts and Arms will be the very ſame Species among us, whereas now they are extremely different in moſt parts of the World; for the former are generally Cowards, and the latter barbarous and rude. From all theſe Conſiderations, I cannot be perſuaded that any Man of Property will refuſe to go in his turn (which can ſeldom happen) on foreign Service. If he hires a mean Perſon to ſupply his Place, this is raiſing a mercenary Army, whereby he makes his Man become his Maſter. And how little ſoever Freemen think of the matter, whilſt ſuch Creatures are out of the Kingdom, yet they'l find 'em wonderful troubleſom on their Return, ſhould there be no other difficulty but that ſingle one of disbanding 'em. 'Tis ſtrange what a Confuſion very ſmall Numbers of 'em produce in a Country, as has been abundantly demonſtrated by the ingenious Author of the unanſwerable *Argument againſt a Standing Army*. The few Soldiers that return'd in King *Charles* the Firſt's time from an unſucceſsful Voyage to *Cadiz*, were not preſently disbanded as they ought to have been, but quarter'd up and down in ſeveral Parts of the Kingdom: And a great Perſon who was an Eyewitneſs tells us, 'That theſe * Soldiers broke out into great Diſ-'orders; they maſter'd the People, diſturb'd the Peace of Families, and the civil 'Government of the Land; there were frequent Robberies, Burglaries, Rapes, 'Rapines, Murders, and barbarous Cruelties; unto ſome Places they were ſent as

The Romans *great Lovers of their Country.*

The Roman *Polity.*

A Regiſter to be kept of all ſervice-able Men in the Counties.

The Diſorders of the Soldiers in King Ch. *I. time.*

* Ruſhworth's *Collect. Vol. I. p.* 420.

'a Punishment; and wherever they came, there was a General Outcry. The High-'ways were dangerous, and the Markets unfrequented; they were a Terror to all, 'and undoing to many. I said before, that every *Roman Freeman* was oblig'd to bear Arms (if need were) twenty times from the seventeenth to the six and fortieth Year of his Age; that they were excus'd from Duty after fifty; and that in case of extraordinary necessity the old Soldiers might be compel'd if they did not give in their Names when desir'd, but that they did for the most part voluntarily offer their Service to their Country. This whole Matter, with several other admirable Effects of their Discipline, is represented to the Life in the Speech of a Farmer to *Licinius* a *Roman* General. When the War was declar'd against *Perseus* King of *Macedonia*, several Veterans were listed and came in freely; but some of 'em were displeas'd, that they should be plac'd in any lower Order than they had formerly possess'd. This occasioning a Difference between the Consuls and the Tribunes of the People, out steps the Countryman, and bespeaks the Assembly in the following manner:

Sp. Ligust. a Roman, his Speech. '† I am *Spurius Ligustinus*, O *Romans*, of the *Crustumin* Tribe, and originally a '*Sabin*. My Father left me a little spot of Land, with a small House, in which I 'was born and bred, and I dwell there at this time. As soon as I was of Age, he 'gave me in Marriage his own Brother's Daughter, who, excepting her Chastity, 'and that she was freeborn, brought me no other Dowry; yet fruitful enough to 'supply a richer Family. We have six Sons and two Daughters, the latter both 'married. Of our Sons four are grown Men, and the other two yet Striplings. 'I first bore Arms in the Consulship of *Publius Sulpitius*, and *Caius Aurelius*. I was 'two Years a private Soldier in that Army which was transported into *Macedonia* 'against King *Philip*: The third Year *Flaminius*, in regard of my Merit, assign'd 'me the tenth Division of the Spearmen. *Philip* and the *Macedonians* being con-'quer'd, when we were brought back into *Italy* and disbanded, I went immediately 'a Volunteer under *Marcus Portius* the Consul into *Spain*. That of all Generals living, 'he was the most nice Considerer and Judg of Merit, is known to every one who has 'been any considerable time in the Field under him or other Commanders: Now, 'he thought me worthy to preside over the first Order of the first Century of the 'Speermen. I went the third time a Volunteer in that Army which was sent against 'the *Etolians* and King *Antiochus*, when *Manlius Acilius* created me first Commander 'of the first Century. But *Antiochus* being expel'd, and the *Etolians* reduc'd, we 'return'd into *Italy*, and there I serv'd two of those Campagns to which the Legi-'ons are annually oblig'd. Afterwards I was twice a Soldier in *Spain*; once under 'the Pretor *Quintus Fulvius Flaccus*, and again under *Tiberius Sempronius Gracchus*. 'I was brought home by *Flaccus* among the rest of those whom he had chosen for 'their Courage to grace his Triumph; and return'd back into that Province at the

† Spurius Ligustinus tribus Crustuminæ ex Sabinis sum oriundus, Quirites. Pater mihi jugerum agri reliquit, & parvum tugurium in quo natus educatusque sum; hodieque ibi habito. Quum primum in ætatem veni, pater mihi uxorem fratris sui filiam dedit: quæ secum nihil attulit præter libertatem pudicitiamque, & cum his fœcunditatem, quanta vel in diti domo satis esset. Sex filii nobis, duæ filiæ sunt; utraque jam nuptæ. Filii quatuor togas viriles habent, duo prætextati sunt. Miles sum factus, P. Sulpitio, C. Aurelio Consulibus. In eo exercitu qui in Macedoniam est transportatus, biennium miles gregarius fui adversus Philippum regem: tertio anno virtutis causa mihi T. Quintius Flaminius decumum ordinem hastatum assignavit. Devicto Philippo Macedonibusque, quum in Italiam portati ac dimissi essemus, continuo Miles voluntarius cum M. Portio Consule in Hispaniam sum profectus. Neminem omnium Imperatorum, qui vivant, acriorem virtutis spectatorem ac judicem fuisse sciunt, qui & illum & alios duces longa militia experti sunt. Hic me Imperator dignum judicavit cui primum hastatum prioris centuriæ assignaret. Tertio iterum voluntarius miles factus sum in eum exercitum, qui adversus Ætolos & Antiochum regem est missus. A Man. Acilio mihi primus princeps prioris centuriæ est assignatus. Expulso rege Antiocho, subactis Ætolis, reportati sumus in Italiam: & deinceps bis, quæ annua merebant legiones, stipendia feci. Bis deinde in Hispania militavi, semel Q. Fulvio Flacco, iterum Ti. Sempronio Graccho Prætore. A Flacco inter cæteros, quos virtutis causa secum ex provincia ad triumphum deducebat, deductus sum. A Ti. Graccho rogatus, in provinciam ij. Quater intra paucos annos primum pilum duxi: quater & tricies virtutis causa donatus ab Imperatoribus sum: sex civicas coronas accepi: viginti duo stipendia annua in exercitu emerita habeo: & major annis sum quinquaginta. Quod si mihi nec stipendia omnia emerita essent, nec dum ætas vacationem daret, tamen quum quatuor milites pro me uno vobis dare, P. Licini, possem, æquum erat me dimitti. Sed hæc pro causa mea dicta accipiatis velim: ipse me, quoad quisquam qui exercitus scribit, idoneum militem judicabit, nunquam sum excusaturus. Ordinem quo me dignum judicent Tribuni militum, ipsorum est potestatis: ne quis me virtute in exercitu præstet, dabo operam; ut semper ita feciſſe me, & Imperatores mei, & qui una stipendia fecerunt, testes sunt. Vos quoque æquum est, Commilitones, etsi appellationis vobis usurpatis jus, quum Adolescentes nihil adversus Magistratum Senatusq; authoritatem usquam feceritis, nunc quoque in potestate Senatus ac Consulum esse, & omnia honesta loca ducere quibus Rempublicam defensuri sitis. *Livius l.* 42 *c.* 34.

'Re-

'Requeſt of *Tiberius Gracchus*. I was Captain of the firſt Company of the Regi-
'ment four times within the ſpace of a few Years: I was by my Generals rewarded
'four and thirty times for my Valour: I receiv'd ſix Civic Crowns for ſaving the
'Lives of ſo many Citizens: I have taken Pay, in a word, two and twenty times
'in the Army, and am now above fifty Years old. But if I had not compleated
'the Number appointed by Law, nor were to be excus'd from Duty by reaſon of
'my Age; yet ſince in my own room I could give you, *Licinius*, four Soldiers, it were
'juſt I ſhould be diſcharg'd. But I would have all this underſtood only of the good-
'neſs of my Cauſe, were I diſpos'd to plead it; for as long as any General judges me an
'able Soldier, I ſhall never excuſe my ſelf. What Poſt the Tribunes will aſſign me,
'lies in their own Breaſts. And, that none in the Army exceed me in Courage,
'ſhall be my endeavour: for, that it has been always ſo, my ſuperiour Officers,
'and ſuch as ſerv'd along with me, are Witneſſes. Now altho, Fellow-Soldiers,
'you claim to your ſelves the Right of Appeal; yet ſince during the whole Courſe
'of your Youth you never did any thing againſt the Authority of the Senate or
'Magiſtrates, 'tis fit that you now alſo pay Obedience to the Senate and Conſuls,
'eſteeming all thoſe Poſts to be honourable, wherein you have an Opportunity of
'defending your Country. Having thus harangu'd, the Conſul, after commending
him with many Words, led him out of the Aſſembly into the Senate, where he re-
ceiv'd the Thanks of the Houſe; and he was by the Military Tribunes prefer'd ac-
cording to his Deſert: whereupon the other Centurions quitted their Appeal, and
readily complied with the Pleaſure of their Superiors.

14. All Men would live ſomewhere eternally if they could, and they affect to become immortal even here on Earth. To have their Names perpetuated, was the true Spring of ſeveral great Mens Actions; and for that only end, have they patiently undergon all manner of Toil and Danger. But this Inclination never diſcovers it ſelf ſo plainly, as in the care Men take of their Poſterity. Some are content to live Beggars all their Days, that their Children after them may be rich: for they look upon theſe as their own Perſons multiply'd by Propagation; whence ſuch as had none themſelves, adopted the Children of others to bear their Names. The Legiſlator of the *Iſraelites*, as well as he of *Sparta*, had a peculiar Regard to this natural Deſire, which in no Country muſt be neglected for Reaſons upon which I need not inſiſt at this time: Wherefore the ninth Propoſition is, *That no Man be oblig'd to go upon any foreign Expedition during one Year after his Marriage; nor all the Sons of any Man at once; nor an only Son ever, unleſs he's willing himſelf.* The Deſign of this Propoſition is made ſo plain already, that, without more to do, I may paſs to the tenth and laſt of our Scheme, which is, *That all Levies permitted to foreign States in this Kingdom, or any Forces lent to them, do intirely conſiſt of Auxiliaries; and that no Freeman have leave to ſerve abroad unleſs as a Volunteer to qualify himſelf for Imployment at home.* The Reaſonableneſs of this Propoſition is likewiſe ſo evident from what went before, that it wants no larger Commentary. I could add here ſeveral other Particulars, but they'l come to be eſtabliſh'd of courſe, if this Scheme prevails wholly, or for the beſt part. I ſhall therefore write nothing now concerning the Methods of liſting or disbanding, of paying or clothing, nor of Rewards or Puniſhments; tho with reſpect to the laſt, I cannot omit one pleaſant Paſſage: for the *Romans*, among divers kinds of Penalties, ſuch as Fine or Impriſonment, us'd upon certain Occaſions to * let a Soldier Blood, as if it had been Madneſs or Folly in him to commit ſuch Faults, and that he wanted Phyſick more than Correction.

The Care for Poſterity commendable.

Who ſhall be excus'd from ſerving abroad.

Foreign Levies to conſiſt of Auxiliaries.

15. If this Scheme of reforming the Militia be ſo intelligible and coherent, as I flatter my ſelf it may, it would be a ſuperfluous Labor, and no Compliment upon the Reader's Sagacity, to remark diſtinctly all the good Effects and Conſequences of it. Yet one I find convenient to mention, not that I think it leſs obvious than the reſt, for it appears moſt evident at firſt ſight; but becauſe ſome Gentlemen are pleas'd to oppoſe it, and it is that I am for Arming All the People. Now this is, in my Opinion, ſo uſeful and neceſſary, that, ſhould we obtain nothing beſides, it were well worth our while to procure an Act for this alone: For what can better demonſtrate the Confidence his Majeſty places in the unqueſtionable Affection of his

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* Fuit hæc quoque antiquitus militaris animadverſio, jubere ignominiæ cauſa militi venam ſolvi & ſanguinem dimitti;——ut non tam pœna quam medicina videretur. *A. Gellius, l.* 10. *c.* 8.

Subjects, of more increaſe and confirm the Veneration theſe have for him, than that he puts 'em in a Condition of defending themſelves againſt all his and their Enemies, without needing or expecting the Aſſiſtance of others? But notwithſtanding I took all poſſible care to be duly inform'd, I could never hear any weighty Objection made to this Propoſition, tho two are commonly offer'd, and the firſt of 'em is, That there will be no end of Robberies and Houſebreakings in the Country, if the common People be once arm'd. I perceive theſe Gentlemen deſign to be popular, and the Vulgar are hugely oblig'd to 'em for their good Opinion. But ſuppoſing the worſt, Robberies will be ſo far from being more frequent than at this time, that this is the only right Method of totally ſuppreſſing all ſuch Diſorders. It is an ordinary thing for two or three Fellows to commit a Robbery in ſight of twenty People ſtronger and ſtouter than themſelves, but that are either without Arms, or know not how to uſe 'em: whereas, upon the foot of our Model, when any Houſe or Perſons are known to be attack'd, they are not only provided for their own Defence, but the Neighbors are all ready to come in to their Aſſiſtance, both with Arms in their Hands, and as able to handle 'em as Houſe-breakers can be ſuppos'd to do. But if the objecting Gentlemen have any meaning, it is that Rogues only ſhould have Arms, and honeſt Men none to oppoſe them: For when any are diſpos'd to violate the Laws, they always take care to arm themſelves without any deference to publick Authority; nor do we find that Thieves ever want Weapons, notwithſtanding any Prohibitions to the contrary, which they no more regard than they do thoſe which forbid 'em to ſteal. But good Men, on the contrary, will yield Obedience to the Laws; and ſo be expos'd, if thus left naked and unarm'd, to the Inſults and Aſſaults of the moſt determin'd Villains. The next Objection is, That if the People be arm'd, there's an end of all the Game in the Kingdom. Now ſuppoſing this were true, I think of the two we ſhould ſooner expoſe a few Birds to the People, than the People to the *French* or other Enemies. But indeed the Game is in no danger. Deer, for example, might be deſtroy'd with Bows and Arrows, no leſs than with Guns; yet in old times *Engliſh-men* were not diſarm'd, but reſtrain'd from ſhooting Deer only by Laws, which may be accommodated to Guns as well as to Bows. Hare, Partridg and Pheaſant are the principal Game for Gentlemens Diverſion; and every one knows that theſe are more conveniently and frequently deſtroy'd by Nets, Hounds, Setting-dogs, and other Methods, than by ſhooting. Severe Penalties, which thoſe concern'd will be ſure to ſee inflicted, will prevent any thing of this nature; and I hope we'l never ſee the Nation diſarm'd a ſecond time, under pretence of preſerving the Game. But, perhaps, it will be ſaid, that altho Freemen may be truſted with Arms, there will be danger from the poor and ſervile. This Objection was ſufficiently anſwer'd in the Diſcourſe ſubjoin'd to the ſecond Propoſition; and beſides I may add, if that will ſatisfy, that Servants are not arm'd according to this Scheme, but only diſciplin'd againſt a time of Neceſſity. I ſuppos'd before an Armory in every Pariſh, out of which on the Days of Exerciſe only the Poor and Servants are furniſh'd. And here I would not forget to hint that all ſuch Arms provided at the Parochial Charge ſhould be try'd and approv'd at the Tower of *London*, without any Liberty left to the Overſeers to purchaſe others for this end, and that they be likewiſe all diſtinguiſh'd by the Pariſh Mark. I had ſeveral Opportunities in this Diſcourſe to ſhew the Defects of the Act now in force for regulating the Militia, and my laſt Remark upon it ſhall be, that the *Iſles of Wight* and *Purbeck* are left to * train their People as formerly. The *Tower-Hamlets* likewiſe *having been always* (as 'tis ſaid in the Act) *under the Command of his Majeſty's Conſtable or Lieutenant of the Tower for the Service and Preſervation of that Fort*, are permitted to be diſciplin'd in ſuch Manner and Form as heretofore. The Reaſon of this Clauſe is very plain; for thoſe two Iſlands lying ſo much expos'd to foreign Invaſions, it was fit they ſhould be extraordinarily well provided for Defence: And ſo the *Tower-Hamlets*, becauſe they were to keep Guard in the Tower, and might from thence diſtreſs the City, tho, leſt they might not prove ſo unkind to their Neighbours, they were neglected as the reſt, and exercis'd according to the Act; but the other Parts of the Kingdom being moſt likely to diſreliſh the Meaſures of the Court, were induſtriouſly made uncapable of Reſiſtance. And that this Suſpicion may not ſeem ill grounded or malicious, I would fain know which was the beſt Model of training

No Robbers or Houſe-breakers encourag'd by theſe Propoſals.

Preſervation of the Game conſider'd.

An Armory in every Pariſh.

The Practice in the Iſles of Wight *and* Purbeck *as to the Militia.*

* 14 Car. 2. cap. 3. §. 22, 30, 31.

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the Militia, the New or the Old? If the former, why ſhould the Benefit of it be deny'd to thoſe Places that ſtood moſt in need of it? And if the latter, why ought not the whole Nation to be as ſufficiently train'd as one or two Iſlands? But all Perſons own that *Guernſey* and *Jerſey*, *Wight* and *Purbeck*, are equal in their Diſcipline to any Standing Forces. But of this enough; nor can I allow my ſelf to queſtion but all Parties will now unanimouſly join to render the Militia uſeful for the King's and our common Preſervation: for that a Standing Army or a Militia is of abſolute Neceſſity, is agreed on every ſide; but the Army is order'd to be disbanded, and ſhould thoſe who were for continuing it, now oppoſe the regulating of the Militia, they give us a Demonſtration that either they never thought us in ſo great Danger as they pretended, or that they would have us intirely loſt, becauſe we refus'd to be ſav'd after their Method, tho our own be more effectual and leſs expenſive. I ſhould now conclude, ſeeing no Objection remains againſt arming the whole free People of *England*; but I muſt firſt take notice, that our Anceſtors in *Germany* did in the time of the *Roman* Empire practiſe the very ſame thing, and that they always came arm'd to their publick Aſſemblies. ‖ *The* Germans *tranſact no publick or private Affairs*, ſays *Tacitus*, *but under their Arms*; *yet is it not uſual for any to carry Arms till the Community firſt allows him to be capable. Then ſome printipal Perſon in the Aſſembly, or the young Man's own Father, or one of his Relations, gives him a Shield and Spear. This is their Ceremony of declaring them to be of Age, and this is the firſt Honor confer'd on Youth. They were conſider'd only as belonging to a private Family before, but as a part of the Publick ever after.* That this was our own Original Conſtitution in the *Saxon* time, none can be ignorant who is ever ſo little vers'd in our antient Cuſtoms and Writings. But we read particularly in King *Edward*'s Laws, that upon a Day and Place appointed, all that ow'd Suit and Service to any Hundred came to meet their new Governor, who ſtuck his Lance in the Earth, and then took Fealty of them, which they perform'd by touching the Governor's Lance with their own (as the *Germans* us'd to give their Aſſent by clattering their Arms) whence the whole Place or Meeting was then, as it is now in ſome of the *Northern* Parts of *England*, call'd a *Wapentake*, from the touching of their Weapons.

Standing Army or Militia neceſſary.

‖ Nihil autem neque publicæ neque privatæ rei, niſi armati agunt. Sed Arma ſumere non ante cuiquam moris, quam Civitas ſuffecturum probaverit. Tum in ipſo concilio vel principum aliquis, vel pater, vel propinquus Scuto Frameaque juvenem ornant. Hæc apud illos Toga, hic primus juventæ honos: ante hoc domus pars videntur, mox Reipublicæ. *De moribus German. cap.* 13.

A Let-

A LETTER to a Member of Parliament,

Printed in 1698.

Shewing that a Reſtraint on the PRESS is inconſiſtent with the Proteſtant Religion, and dangerous to the Liberties of the Nation.

SIR,

ACcording to your Commands, I here preſent you with thoſe Reaſons that oblige me to oppoſe the reſtraining the Preſs, as inconſiſtent with the Proteſtant Religion, and dangerous to the Liberties of the Nation: Both which I undertake to ſhew. And in order to prove the firſt, I beg leave to premiſe,

The uſe of Reaſon. First, That which makes a Man to differ from a Brute, wholly uncapable of forming any Notion of Religion, is his Reaſon; which is the only Light God has given him, not only to diſcover that there is a Religion, but to diſtinguiſh the true from the many falſe ones. He therefore that employs his Reaſon to the beſt of his Ability to find out religious Truth, in order to practiſe it, does all that God deſires: for God, who will not command Impoſſibilities, can require no more of him, than that he impartially ſearches after, and endeavours to diſcover religious Truth, by the uſe of that Reaſon which was given him for that end. He that does this, may have the Satisfaction of doing his Duty as a rational Creature, and may be ſure, tho he miſſes Truth, he ſhall not miſs the Reward that is due to him who obeys his Maker, in following as well as he could, and no more could be his Duty, the only Guide God has given him to judg of Truth and Falſhood. On the contrary, he that neglects to do this, is diſobedient to his Maker, in miſuſing his rational Faſculties; and tho he ſhould light on Truth, the Luckineſs of the Accident will no way excuſe his Diſobedience: for God will judg us as we are accountable (that is, rational) Creatures; and conſequently our Reward from him, whether we hit or miſs of Truth, will be in an exact proportion to the uſe we make of our Reaſon: And if God has obliged us to uſe it as the only Means to diſtinguiſh Truth from Falſhood, that alone muſt be the way to find the one, and avoid the other. Now the way that a Man's Reaſon does this, is by examining thoſe Proofs, Arguments, or Mediums, that either himſelf or others have found out, and by comparing them with his common and ſelf-evident Notions, by means of which he finds out the Agreement or Diſagreement of any Propoſition with thoſe Standards and Teſts of Truth.

The advantage of Printing. Tho this is the only way to diſcover Truth, yet if a Man was left wholly to himſelf, without any to inform his Judgment, he would make but a very ſmall Diſcovery in religious, or any other Truths: Therefore it's Mens mutual Duty to inform each other in thoſe Propoſitions they apprehend to be true, and the Arguments by which they endeavour to prove them; which cannot be done ſo well as by printing them, ten thouſand Books, after the Letters are once ſet, being ſooner printed than one tranſcrib'd: By *the Advantage of which, Men, tho at ever ſo great diſtance, may, with a great deal of eaſe and little charge, be exactly acquainted with each others Sentiments.* And it's wholly owing to Printing, that Knowledg is become, not only much more diffuſive, but hat a great deal of more uſeful Knowledg has been diſcover'd in a ſhort time ſince that Invention, than in many Ages before. And if it has not had as great Effect in moſt Places with reſpect to religious as to other Knowledg, it can only

only be becauſe the Liberty of Printing, as to the former, has been more reſtrain'd; for Men have the ſame way of judging of that as of all other Matters.

This being premis'd, 'tis clear that the Preſs ought not to be reſtrain'd;

1. Becauſe it tends to make Men blindly ſubmit to the Religion they chance to be educated in: for if 'tis once ſuppos'd unlawful to publiſh any Arguments againſt that Religion, it cannot be deny'd but that 'tis as unlawful to read and examine thoſe Arguments, that being the ſole reaſon of forbidding the printing them; which neceſſarily ſuppoſeth they are to take their Religion on truſt, without any trial, which is the greateſt fault that can be, next to having no Religion at all: For I cannot ſee any ground a Man has to hope to go to Heaven, that will not be at the pains to examine what it is that God requires of him in order to his coming thither. *1ſt Reaſon againſt reſtraining the Preſs.*

2. Becauſe it deprives Men of the moſt proper and beſt Means to diſcover Truth, by hindering them from ſeeing and examining the different Opinions, and the Arguments alledg'd for them. I can ſee no reaſon why 'tis more neceſſary for him that judges for others, than 'tis for him who judges for himſelf, to ſee the Arguments on all ſides; this being the only Evidence by which any Man is to judg. The ſuppreſſing the Evidence in a Cauſe where mens eternal Happineſs is concern'd, is (I take it) much more criminal than in a Cauſe of a temporal Intereſt. So that a Law to oblige the Judges to hear the Proofs but of one ſide, is not ſo bad as to truſt the Clergy of any one Sect with the Preſs; who, to be ſure, will ſuffer nothing to be printed but of their own ſide; and who too, in all probability, will miſrepreſent their Adverſaries and their Opinions, more than a Pleader will the Party or Cauſe againſt which he is engag'd. And are not the People (for inſtance) among the Papiſts, where the Preſs is effectually reſtrain'd, as ignorant of what can be alledg'd againſt the Popiſh Doctrines, as a Judg that has heard but one ſide can be of the Defence the other is to make? *2. A hindrance to the Diſcovery of Truth.*

3. Becauſe it hinders Truth from having any great influence on mens Minds, which is owing chiefly to Examination; for the more rational that makes an Opinion appear, the greater power it will have on the Affections, which are not mov'd without ſome ſenſible Connection between the Cauſe and the Effect; for what does not convince the Underſtanding, will have but little or no effect on the Will: Which is one Reaſon why Men are oblig'd to *try all things*, becauſe when they ſee the Reaſonableneſs of any Opinion, it will oblige them to act according to it more heartily than when they take it on truſt: and nothing more endears Truth to us, than that its Diſcovery is the Effect of our own Induſtry and Obſervation. *3. Hinders Examination.*

4. Becauſe it tends to make us hold the Truth (ſhould we chance to light on it) guiltily; for that (as I have already prov'd) will not be accepted, if it be not the Effect of an impartial Examination, which makes Error it ſelf innocent: for if any thing in that caſe be a fault, it muſt be the Examination, becauſe that might have been prevented; but the Opinion that is caus'd by it could not, That being a neceſſary Conſequence of the other. Men when they are left to themſelves without any Clergy at all, are more likely not only to judg for themſelves, but to make a truer and a more impartial Judgment, than when they are permitted to know the Sentiments of the Clergy but of one Sect, who then may impoſe on them whatever out of Intereſt they think fit.

5. One Reaſon why God hath ſo form'd Mankind, that each alone without the help of others cannot well ſubſiſt, is to oblige them to mutual Love and Kindneſs, and to contribute to one another's Happineſs. And they want each others Aſſiſtance for things of the Mind as well as of the Body. For a Man would be in a miſerable ſtate of Darkneſs and Ignorance, were it not for the Light that others afford him: and therefore they are oblig'd to increaſe as much as they can each others Knowledg, eſpecially in Religion, which they can no otherwiſe do, than by communicating to one another what they think is the Truth, and the Reaſons by which they endeavour to prove it. To oblige Men to do this, God has not only implanted in them a ſtrong Deſire to find out Religious Truth, but as great an Inclination to teach others what they apprehend to be ſo; and there is no man who believes a Doctrine to be true, but would be very glad to get it own'd by others. Whoſoever therefore endeavours to hinder Men from communicating their Thoughts (as they notoriouſly do that are for reſtraining the Preſs) invade the natural Rights of Mankind, and deſtroy the common Ties of Humanity. If we muſt, *early and late*, *5. Hinders mutual Aſſiſtance.*

accor-

according to the wiſe man's Direction, *ſeek after Wiſdom as after a hidden Treaſure*; I cannot ſee how it will become the Wiſdom of a Nation to endeavour by a Law to hinder us from knowing more than the ſcanty meaſure of a Party-Licenſer will afford us.

Mutual Love. Not only the Light of Nature, but the written Word (*Levit.* 19. 17. 1 *Theſſ.* 5. 14. *Heb.* 3. 13.) obliges every one, Lay as well as Clergy, to exhort, warn, rebuke, and uſe all means poſſible to bring his miſtaken Brother into the right way; which he can no otherwiſe do, than by firſt judging himſelf what is right or wrong; and then by uſing Arguments to perſuade him whom he judges in the wrong, to deſiſt from it. And if, as the Scripture ſuppoſeth, no Man can neglect to do this without hating his Brother; every one has a right to print his Sentiments, as the beſt, if not the only way to exhort, rebuke, reprove Myriads of Brethren at the ſame time.

In ſhort, in all Ages the greater mens Zeal hath been towards God, and the more inflam'd their Love to their Neighbours, the more they have thought it their Duty (tho with the hazard of their Lives) to communicate to others what they judg'd to be the Truth. And all Sects, how different ſoever in all other things, do agree in thinking themſelves bound thereto, as to the greateſt Act of Charity; and conſequently there is no Sect that hinders others from publiſhing what they believe to be Truth, but ſins againſt the natural and reveal'd Law, and breaks that golden Rule (the Foundation of all Morality) of *doing as they would be done unto.* For tho they look upon it as impious and tyrannical for any to hinder them from imparting to others thoſe Doctrines they judg to be true, yet they themſelves would hinder all others, who have as much right to judg for themſelves, and are as much obliged to communicate to others what they judg to be a Religious Truth.

Publiſhing of Truth not puniſhable. What can be more inhuman, as well as ungrateful, than to puniſh that Perſon who out of love to Truth, and charity to the Souls of his Brethren, beſtows his Time, perhaps to the detriment of his Health and Fortune, in publiſhing what he judges to be for their eternal Good? If this be a juſt Reward for ſuch an Undertaking, I cannot ſee how the Clergy can deſerve ſuch Riches and Honours for doing but the ſame thing; that is, for inſtructing others in what they judg to be true.

Nothing can be more unbecoming the Dignity of a rational Nature, than to bar up the way to Religious Knowledg and Wiſdom, which Men have no way to propagate, but by offering one another Reaſons and Arguments: And there can be no Pretence to hinder Men from doing this by reſtraining the Preſs, but what will as ſtrongly forbid them doing it any other way. In a word, Men have the ſame right to communicate their Thoughts, as to think themſelves; and where the one is deny'd, the other is ſeldom us'd, or to little purpoſe: For,

Men as they are more or leſs hinder'd from communicating their Thoughts, are more or leſs ſtupid and ignorant, and their Religion more or leſs corrupted. And this is not only true with relation to *Mahometans* and *Pagans*, who ſuffer no *Printing among the Chineſes.* Printing at all, except the *Chineſe* (whoſe Knowledg above other Eaſtern Nations ſeems to be owing to that Art, tho among them wonderfully rude and imperfect) but with reſpect to Chriſtians, among whom one would think it almoſt impoſſible, conſidering what Light and Knowledg the Goſpel brought into the World, that any ſhould be ſo groſly ignorant and ſuperſtitious as the Papiſts are, or that the Chriſtian Religion ſhould be ſo much deprav'd as it is amongſt them: And what is this owing to, but the denying the People the Liberty of the Preſs, and all other *Inconveniences attending the reſtraining of the Preſs.* ways of freely debating matters of Religion? And had it not been for this Invention, whereby men had ſuch an eaſy way of communicating their Thoughts, nothing but a ſecond Revelation could have freed them from that Maſs of Ignorance and Superſtition the Chriſtian World lay under; and which was every day increaſing, and does ſtill remain in a very high degree in thoſe Countries that groan under Reſtraint, as *Portugal*, *Spain*, *Italy*; which laſt, ſutably to the Freedom once it enjoy'd, abounded with Men eminent in all Learning and Knowledg, as well as Vertue and Bravery: and that it is ſo much degenerated now (the Climate and the Make of their Bodies being ſtill the ſame) is owing to nothing but that Prieſtcraft which forbids all Freedom; contrary to the Practice of antient *Rome*, where to think on what one had a mind to, and to ſpeak one's Thoughts as freely as to think them, was look'd on as one of the chief Bleſſings of a Free Government.

It's not only in Popiſh, but in Proteſtant Countries too, that according to the Reſtraint Men lie under, Ignorance, Superſtition and Bigotry does more or leſs abound. *Denmark*, *Sweden*, and ſeveral other Countries, are undeniable Inſtances of this; and it cannot be otherwiſe, for there is little difference between having no Reaſon, and not exerciſing it. And it's evident that the Clergy themſelves are not only more knowing, and reaſon much better, but are much more ſober, careful and exemplary, where liberty of Debating is allow'd, than where deny'd. From what has been urg'd, I think I may ſafely conclude, that Men, if they regard the employing their rational Faculties as God requires, and (the Conſequence of it) the Diſcovery of Truth in Religion, and their being influenc'd by it as they ought to be, are oblig'd to allow one another an intire Liberty in communicating their Thoughts, which was never forbidden but where Intereſt ſupplanted Religion.

Printing advances true Religion.

6. There's no Medium between mens judging for themſelves, and giving up their Judgments to others. If the firſt be their Duty, the Preſs ought not to be reſtrain'd, becauſe it debars them from ſeeing thoſe Allegations by which they are to inform their Judgments. All the Arguments that are or can be urg'd for the regulating the Preſs, have no other Foundation than that of Peoples being liable to Miſtake, and ſubject to be impos'd on by fallacious Arguments and ſpecious Pretences; which inſtead of proving what they deſign, only ſhows the greater Neceſſity for the Freedom of the Preſs: for the more apt Men are to miſtake and to be deceiv'd, the leſs reaſon there is for their relying on any one Party, but the more to examine with all Care and Diligence the Reaſons on all ſides, and conſequently for the Preſs being open to all Parties, one as well as the other. So that thoſe that are for allowing Men the liberty of judging for themſelves (if any ſuch can be for regulating the Preſs) are very unhappy in their Arguments, becauſe they all make againſt themſelves, and out of their own mouths they are condemn'd.

Duty of judging for ones ſelf.

But if Men are to give up their Reaſon to the Clergy, of whatſoever Denomination, there's nothing, I confeſs, more inconſiſtent with that blind Obedience than the Liberty of the Preſs, becauſe it gives them an opportunity to ſee what can be ſaid againſt that or any other darling Notion of the Prieſts; and then it's a great odds but that rational Creatures will be govern'd by their own Reaſon, and no longer endure the Clergy to be Lords of their Faith.

7. In fine, if it be unlawful to let the Preſs continue free, leſt it furniſh Men with the Reaſons of one Party as well as the other, it muſt be as unlawful to examine thoſe Reaſons: for if the laſt be a Duty, the firſt cannot be unlawful, becauſe it's only a means to the laſt in providing thoſe Reaſons which Men are bound to try and examine; except an implicit Belief be a Duty, which muſt neceſſarily bring Men back again to Popery. For if it be now unlawful to examine the Reaſons on all ſides, for fear of having other Sentiments than thoſe the Clergy approve, it was no leſs unlawful at the time of the Reformation, which was wholly built upon this Freedom of examining the Opinions of the Prieſts, and rejecting them if they judg'd them falſe. This the brave *Luther* did ſingly and by himſelf in defiance of the whole Church, and this any Man now hath the ſame Right to do: So that it's evident the Freedom or Reſtraint of the Preſs depends on this ſingle Queſtion, Whether we ought to be Free, or Slaves in our Underſtandings? or, in other words, Proteſtants or Papiſts? If the firſt, there cannot be the leaſt colour for leaving the Conduct of Religion ſo wholly to a few Prieſts, that nothing ſhall be publiſh'd about it but what they think fit, than which nothing can favour more of a popiſh, ſlaviſh, and proſtitute Compliance.

Printing allows the Liberty of examining the Reaſons of Parties.

What, Sir, could be more ſurprizing to that Honourable Houſe, whereof you are a moſt worthy Member, than a Motion to this purpoſe; That becauſe making of Laws is a thing of great Conſequence, and Country Gentlemen are ſubject to Miſtake, that therefore the Houſe ought to be regulated, by appointing a Licenſer to judg what ſhould be ſpoke in it? As ridiculous as ſuch a Motion would be, I would willingly know why 'tis not as unaccountable to hinder a whole Nation the Freedom of debating Matters of Religion, which (ſince they are not able, like their Repreſentatives, to aſſemble in one Room) cannot well be done but by letting the Preſs be open to every one to publiſh his Reaſons; which ought not to be deny'd, as long as every one in the Nation has as much a Right, not only to judg for himſelf in Religious, as any Legiſlators can have to judg for him in Civil Matters, but is as much oblig'd to uſe all poſſible means to inform his Judgment; and con-

Matters of Religion ought to be freely debated.

consequently there is as little reason to deny Liberty of debating in one Case as in the other.

Printing occasion'd the Reformation.

8. The Reformation is wholly owing to the Press: For tho there were several able Men who, before Printing was known, most vigorously oppos'd the growing Errors of the Western Church; yet all they could do was to little or no purpose, because they had no easy and ready way to communicate their Thoughts to any great number: but no sooner was the Invention of Printing made useful, but a poor Monk who discover'd at least the grosser Cheats of the Priesthood, was made capable of imparting those Notions, which drew almost a Moiety from the Romish Superstition, which lost ground every where, as the Press was either more or less free. Therefore it was not strange that the Popish Clergy, since they could not confound the Art of Printing, should endeavour to turn it to their own Advantage, not only by hindring any new Book from being printed, but by expunging out of old ones whatever did not serve their turn: and herein they acted consistent with their Principles, which allows no Liberty of examining, and consequently denies all Freedom of the Press, which of all things does engage Men the most to do it. But what Pretence can Protestants have for restraining it, who as they owe their Religion to its Liberty, so they cannot hinder it without destroying that Religion which has no other Foundation than that of every one's having a Right to examine those Reasons that are for or against any Opinion, in order to make a true and impartial Judgment? which can never be justify'd, if it be unlawful to permit the Press to be open for all Men to propose their Reasons to one another in order to their examining them.

The Papists reproach us with Hypocrisy.

And it cannot be deny'd, but that the Protestant Clergy, who are as ambitious for the most part as the Papists themselves to impose on the Consciences of the People, have by Persecution, Restraint of the Press, and other such methods, given the Papists (who have scarce any thing to plead for themselves but the Practice of their Adversaries) too just an occasion to insult them, who are (they say) no other than a pack of Hypocrites, in doing the very same things they so loudly condemn; and that it's little less than a Demonstration, that the Principles by which they pretend to justify their Separation, are very absurd, since they are forc'd to act contrary to them in every point. And what was it in truth but these shameful Practices, that put a stop to the Reformation, which at first, like a mighty Torrent, overwhelm'd all that oppos'd it, but has ever since gone back both in Esteem and Interest, and at last, if Men do not change their Conduct, will be quite lost? For how can it be otherwise, since that Method (Protestantism and Popery being so opposite) that preserves the one, must necessarily destroy the other?

The hindrance of the Progress of the Reformation.

The taking a contrary method not only hinder'd the farther spreading of the Reformation, but was the cause that where it did prevail it was no more perfect: for tho the Reformers deserve just Commendation for what they did, yet being bred up in so much Ignorance and Superstition, they could not remove those vast Loads of Corruption, which had been so long a gathering. But if those that succeeded them had taken the same liberty in examining theirs as they did their Predecessors Opinions, it's impossible but that time must have discover'd the Truth, and made them agree at least in all matters of moment. But instead of this, they became as guilty of a blind Obedience as the Papists; and it was a sufficient proof of any thing amongst the different Sects, if *Luther*, *Calvin*, Church of *England*, said so: nothing more common than that *I submit all to Mother Church*, and such like Phrases; which that Men should effectually do, there were Penal Laws enacted to force them, and no *Printing* or *Preaching* allow'd to those that durst see farther than the first Reformers (whose Eyes at the best were but half open, tho they saw very well for those times of Darkness, and in respect of the Papists who may justly be reckon'd to be quite blind) the Consequence of which was, that the Differences between the several Sects were widen'd, and they all run daily farther and farther into Uncharitableness, Ignorance, Superstition and Fanaticism.

9. Whosoever observes with what Zeal our Divines condemn the Popish Clergy for not suffering their Laity to read Protestant Authors, would hardly think it possible for them to be so disingenuous as to appoint some spiritual Dragons to watch the Press, lest any thing should steal from thence that's not for their turn. Let us hear only (for they all write after the same manner) the learned Dr. *Clegget*, who in his *Persuasive to an ingenuous Trial*, p. 28. tells us, "They that have a "good Cause will not fright Men from considering what their Adversaries say, by "denouncing Damnation against them, nor forbid them to read their Books, but

Dr. Clegget's Judgment about examining things.

"rather

" rather encourage them ſo to do, that they may ſee the Difference between " Truth and Error, Reaſon and Sophiſtry, with their own eyes. This is the " effect of a well-grounded Confidence in Truth, and there's this ſign of a " good Cauſe apparently diſcernable in the Application of the Clergy of this " Church (of *England*) both to their Friends and Enemies, they deſire the one and " the other to conſider impartially what is ſaid for us as well as againſt us. And " whatſoever Guides of a Party do otherwiſe, they give juſt cauſe to thoſe that " follow them to examine their Doctrines ſo much the more carefully, by how " much they are unwilling to have them examin'd. It's a bad ſign when Men are " loth to have their Opinions ſeen in the day, but love Darkneſs more than Light. If the Church of *England* will own this to be a juſt Character of them, they ought to be ſo far from endeavouring to obtain a Law to reſtrain the Preſs, that they are oblig'd, did they apprehend any ſuch Deſign, to oppoſe it to their utmoſt, and to encourage their Adverſaries to print their Sentiments, and the People to read them, that they may *ſee the difference between Truth and Error, Reaſon and Sophiſtry, Orthodoxy and Heterodoxy, Diſſenting and Conforming, with their own eyes.* Taking a contrary method only affords a new Argument for the Liberty of the Preſs, becauſe they give their Followers a juſt Cauſe to *examine their Doctrines ſo much the more carefully, by how much more unwilling they are to have them examin'd. It's a bad ſign*, &c. In a word, did the Proteſtant Guides act as ſuch, inſtead of frighting Men from conſidering what their Adverſaries ſay by denouncing Damnation againſt them, they would tell their Auditors the great ſin of being biaſs'd by them in the choice of their Opinions, and that the more important any Controverſy is, the more reaſon there is for the Liberty of the Preſs, that they may examine with all the Diligence imaginable the Tenets of their Adverſaries as well as of their Guides; and that the more they heard the one Party, the more they ſhould read the other; and that if they ſhould fall into any Error by ſo doing, they would not be accountable for it. For tho there is not (as the Papiſts vainly imagine) ſuch a Guide as would infallibly lead every Man into every Truth, yet that every one's Reaſon as a Guide is infallible, becauſe God that deſigns that all Men (if it be not their own fault) ſhould be for ever happy, has given them no other Guide but their Reaſon to bring them to that Happineſs; and therefore as ſure as God himſelf is infallible, the following that Guide muſt bring them to that happy State which God deſign'd the following it ſhould bring them to. And on the contrary, that God, who is *the Rewarder of thoſe only that diligently ſeek him*, would condemn them as unprofitable Servants, who inſtead of uſing their Talents to find out his Will, did abandon themſelves to the uncertain chance of Education and the Religion in faſhion, which varies with every Age and every Country. As thus they ought to preach to the People, ſo they ſhould as little ſcruple to tell the Magiſtrate that by permitting an intire Liberty he did nothing but his Duty; but by a Reſtraint of the Preſs he did not only ſhew himſelf guilty of a blind Obedience, but did endeavour to make a whole Nation ſo, and was to anſwer not only for all the Errors and other ill Conſequences himſelf caus'd by a Reſtraint, but likewiſe of abetting all other Magiſtrates that think themſelves in the right in doing the like: and that tho he ſhould chance to be in the right himſelf, yet he could not know how many he was the cauſe of being all their Lives in the wrong, who might be ſo only, becauſe not having liberty to publiſh the Reaſons they had to embrace ſuch Opinions, they could not meet with any that could give them Satisfaction; and in truth, writing againſt any Opinion where Men have not the liberty to ſhew the Reaſons why they hold it, is but writing at random, becauſe mens Reaſons cannot be confuted till they are known. Such Arguments as theſe, a Proteſtant Clergy, that's true to their own Principles, ought to uſe both to the Prince and People, and not prevaricate with God and Man, and talk backward and forward juſt as it ſerves their turns. *If* Baal *be God, ſerve him; if not, ſerve the Lord.*

No other Guide than Reaſon.

Blind Obedience follows on reſtraining the Preſs.

10. I can ſee no reaſon why they that are for tying Men to that Interpretation of Scripture a Licenſer ſhall approve, and therefore put it in his power to hinder all others from being publiſh'd, can with any juſtice condemn the Popiſh Clergy for not licenſing the Bible it ſelf for the Laity to read it. For if the Bible is to be tranſlated into the vulgar Tongue, to what end is it, but that the People by reading it may judg what is their Duty in the moſt obſcure and difficult places? Ought they not then to ſee the different Tranſlations and Explications? If they are to be deny'd this, leſt they apprehend it in a Senſe different from that of the Licenſer and his Party, the ſame Reaſon will reſtrain the People from promiſcuouſly reading the Bible, becauſe they may, and frequently do apprehend it in ſuch a Senſe as their

Reading the Bible a great Benefit.

Guides do not approve; and if that be a Crime, all the means that are necessary to hinder it must be a Duty; and therefore if it cannot be prevented without hindring the Laity from reading the Bible, it's a Crime to suffer them to read it.

A Religion that refuses Trial ought to be suspected.

11. This Restraint gives a great handle to those that believe only natural Religion, to argue against the Christian; for, say they, 'tis no small Presumption that the Clergy themselves are conscious of the Falseness of their Religion, because they dare not suffer it to undergo a fair Trial, but do what they can to stifle all the Reasons that can be urg'd against it. The Clergy, say they, are so learned, and withal so numerous, that amongst them they could not fail to expose and confound any thing that's writ against them, had they but Truth on their side, which they know is, next to the Almighty, strong, and therefore needs no licensing Tricks, or Stratagems, to make it victorious: These are the mean Shifts that Error is forc'd to use against its Power. These Men farther add, That if Christ and his Apostles oblig'd Men to try all things, how can they that pretend to be his Successors (did they believe the Scriptures) hinder a fair trial of any thing relating to Religion? And can there be a fair Trial, when all Parties have not the liberty to publish their Reasons, that the People may compare and examine them by their common Notions, those Tests and Standards of all Truths? Has the Protestant Religion a fair Trial in *Italy*, where nothing can be heard in its defence? Thus 'tis that some Men expose our Religion on the one hand to the Insults of Unbelievers, and on the other of Papists; which can never be avoided but by granting to all Sects an intire Liberty of the Press. All other methods equally serve to promote Error as Truth, and consequently can never be the way that God ordained to distinguish the one from the other.

Trial of all things recommended by the Apostle.

Objection from the dangerous Consequence of the Liberty of the Press.

12. It may be objected, that by such a latitude as this People may be seduc'd into false Religions, or into Heresies and Schisms. None can profess a Religion but either, because upon examination he judges it to be true, or, that some By-Interest makes him do so contrary to his Judgment, or else, because he takes it on trust without examining it. As to the first, if two Persons profess different Religions, one the true, the other a false one, yet if they have been equally sincere in their examination, they are equally in the way to Heaven; because in following their Reason, they both have done what God requires: so two Men that equally act against their Judgment, the one professing the Truth, the other not, are alike guilty: so also are they who equally take their Religion on trust; and such perverse holding of a Religion, whether true or false, is Heresy, as the other is Hypocrisy; and according as Men are more or less partial in examining, they are more or less heretical. So that 'tis not what a Man professeth, but how, that justifies or condemns him before God. And there would be few, either Hereticks or Hypocrites, were there not Bribes annex'd to some, and Awes to other religious Tenets; for then Men would not be afraid to examine those for fear of finding them false, nor these lest they should be true, nor to own or disown either, according as they judg them true or false. And an intire Liberty of the Press would by degrees establish religious Truth, because that is supported by better, plainer, and more cogent Proofs than any false Opinions are; which are either mischievous or burdensom, or at the least useless, whilst the other by its Excellency and Usefulness carries Evidence and Conviction with it.

Answered.

The Causes of Schism.

As to Schisms, they are caus'd by Mens imposing their own Interpretations, instead of the express Words of God, as necessary terms of Communion; which makes Protestant Imposers not only Schismaticks but Hereticks, because having laid down as a Fundamental of their Religion, that every one is to interpret Scripture for himself, they most obstinately and perversly (not to say knowingly) act against that Fundamental.

Abuses of the Press.

13. The most material Objection against the Liberty of the Press is, That without Licensers, Atheism, Profaneness, and Immorality, as well as Sedition and Treason, may be publish'd. The Commonwealth has the same reason to punish Men for those as for these, because they are all alike pernicious to human Societies. And 'tis all the reason in the World that whoever assents any such Notions, whether in Discourse, or from the Pulpit or Press, should be severely punish'd. But this can be no more a reason to appoint Licensers for the one than for the other; nor would it hinder the printing things contrary to Law, for none will be so mad as to desire an *Imprimatur* for them: so that such Pamphlets, whether there are or are not Licensers, will come out only by stealth; and 'tis evident there were more of them printed when the Law for regulating the Press was in being, than since. To

make

make the Laws against such things severer, and to oblige either the Printer or Bookseller to set his Name to all Books whatever, will take away all pretence for appointing Licensers, and will be the most effectual way to prevent publishing such Books.

But before I leave this Head, I cannot but remark that they are no way guilty of Profaneness who out of Conscience (to which profane and atheistical Persons have no pretence) worship God after a mistaken manner, because all the Honour Men are capable of giving an Almighty and Allknowing Being, consists in the Intention and Design; and therefore to punish those, who out of a holy Intention and pious Design worship God after that manner they judg acceptable to his Will, as profane Persons or Blasphemers, is the greatest Crime next to real Blasphemy, because 'tis punishing Men for no other reason than expressing their Zeal for the Honour of God, which they can no otherwise do than by worshipping him as their Reason dictates, which they must either do, or not worship him at all, or else but with a mock Worship. And they that by force are made to break the ties of Conscience, tho ever so erroneous, cannot be good Subjects neither to God nor the King: so that Profaneness and Immorality cannot be destroy'd but by all Sects doing as they would be done unto; which must establish an intire and universal Liberty, since they have all the same Right to judg for themselves, and are equally oblig'd to act according to that Judgment, and to communicate to others what they judg to be true: which perhaps was the reason that the House of Commons so unanimously threw out the Bill for restraining the Press immediately before their addressing the King against Profaneness and Immorality. But to return,

Profane Persons have no pretence to Conscience.

Conscience not to be forced.

If it be once thought unlawful to have nothing printed but of the side of the Church in fashion, the same Reason will at least as strongly hold against any thing being preach'd but of that side; because if any thing is printed against that Church, there are ten thousand Clergy (whom one would think a sufficient Guard for Truth) to expose its Folly and Weakness, but 'tis not so easy for them to know, and consequently to apply an Antidote to what is preach'd against them: wherefore they who are not for destroying that just and righteous Law that allows Liberty of Conscience, ought to be very careful of the Freedom of the Press, as the only means to guard and defend the other; and both being built on the same foundation, cannot (as has been already prov'd) be destroy'd but by striking at the foundation of the Protestant Religion. And,

Printing for one side only not fair.

Therefore it cannot be suppos'd that the chief Support of it, the Honourable House of Commons, will ever consent to the one or the other, especially considering how much the Popish Interest increaseth, and what Advantage of late it has got in *France*, *Germany* and *Savoy*. And if the Popish Princes (as 'tis suppos'd) have enter'd into a Confederacy among themselves to extirpate the Protestant Cause, ought not all Protestants (and all that are not for a blind Obedience deserve that Name, that being the essential difference between it and Popery) instead of using restraint on one another, to unite against the common Enemy?

Besides, let it be consider'd, 'tis not certain we shall be always blest with the Government of a Prince so intirely a Protestant as our great and glorious Deliverer. And if the Papists should pervert one, and by that means get the publishing their Doctrines without contradiction, they might by degrees confound the Protestant Religion, so much weakned already by its Professors acting so inconsistently with their own Principles. But were that Scandal remov'd, by allowing as intire a Liberty as the Protestant Principles require, there could be no danger of the prevailing of the Popish, or any other Superstition. And 'tis remarkable, that nothing has been writ in behalf of Popery since the Expiration of the Act for regulating the Press, so little is Liberty a Friend to that Superstition.

Popery would gain ground thereby.

14. But if, after all, there must be some appointed to determine the Fate of Religious Books, the Clergy, of all Men, ought not to be trusted with this Employ, because they (not content with the Right they have from the Society of exercising the Ecclesiastical Function) do claim a Power and Government distinct and independent of it, which they pretend is founded in Scripture; and consequently they have no way, as a Clergy, of gaining any Dominion, Power, or Riches, more than what the Society will give them, but by wresting the Holy Writ: And if, besides the Pulpits, where they may preach what gainful Doctrines they please without contradiction, they do so far engross the Press, as to hinder any thing from being printed but what favours their Designs; what may not such a body of Men (well vers'd in all the Arts of Persuasion) by their frequent Opportunities to display them,

The Clergy ought not to be the only Licensers.

them, impose on the too credulous People, especially when all the ways to disabuse them are stopt up?

The Primitive Clergy's Behavior.

And if the Clergy in the more early and primitive times, perhaps ever since they were forbid *to lord it over the Heritage of God*, have made it their business to pervert Religion to advance their own Power; what reason is there to imagine that they would not do the same in these later and degenerate Ages? How, I pray, did the Clergy, who at first subsisted by the Charity of the People, arrive to such immense Grandeur and prodigious Riches, but by a constant Confederacy from time to time, carried on at the Expence of Religion? which (as their own Historians shew) was proportionably corrupted, as they increas'd in Power and Riches, the one being made a step to the other: and 'tis as evident where they are now most potent, there Religion is most perverted, and the People most enslav'd.

The chief way they effected this, was by persuading the People to a blind Obedience, the consequence of which was, that they must take the Clergy's own Word for all the Powers they thought fit to say the Scripture had given them, and to submit to whatever they would determine in their own Cause, and for their own Interest. And there never was a Synod, whether Orthodox or not, but were for imposing on the Laity, not only by Excommunicating, Anathematizing, and Damning, but by making the Magistrate use Violence on all that would not, contrary to their Consciences, comply with their Determinations; by which means they at last arriv'd to such an excess of Power over the Magistrate as well as the People, that one was no better than their Hangman, and the other than their Slaves. And have not the Protestant Clergy (from whom one ought to expect better things) taken the same method to make People blindly submit to their Determinations? Nay, have they not outdone the Popish Clergy, in wresting the holy Writ to destroy the English Constitution, and enslave the Nation, and in preaching up the Doctrine of absolute Obedience, than which nothing can be more inconsistent with the Goodness of God, and the Happiness of humane Societies, as knowing the only way to secure Tyranny in the Church was to get it establish'd in the State? So that if the Protestant Clergy do not keep the People in as vile a Subjection as the Popish do, 'tis not owing to their good will; and therefore none that have any value for Religion, or any kindness for their Liberties, will trust those that lie under such Temptation to pervert the Scripture, with the sole licensing Books of Religion. As we pray not to be led into Temptation, so we should avoid leading others into it, especially such as in all probability they cannot withstand.

The Clergy censured.

Printing an occasion of being deliver'd from Ecclesiastical Tyranny.

15. The Discovery of Printing seems to have been design'd by Providence to free Men from that Tyranny of the Clergy they then groan'd under. And shall that which was intended by divine Goodness to deliver all from Sacerdotal Slavery, be made the means of bringing it on again? And if our Ancestors could not defend themselves from more than *Egyptian* Bondage, which the Pulpits brought on them without the assistance of the Press, it's scarce possible that we should be able to secure our Liberties against both, when by the help of the latter the Clergy have got better Abilities, as well as Opportunities, to impose on the Understandings of the People; and when Men are once enslav'd in their Understandings (which of all things ought to be most free) it's scarce possible to preserve any other Liberty.

The trusting not only the Pulpits but the Press in the hands of the Clergy, is causing the *Blind to lead the Blind*, because the generality of them are more likely to be guilty of a blind Obedience than the Laity, since they are oblig'd, as they value their Subsistence, right or wrong, to assert those religious Tenets they find establish'd by Law; the truth of which they cannot any more be presum'd to have impartially examin'd, than a mercenary Soldier the Justice of the Cause he is engag'd in; being sent by their Friends to the Universities, not to try the establish'd Religion, whether 'tis right or wrong, but to profess it as a Trade they are to earn their bread by: and lest they should examine it, they are, even before they are capable, shackled with early Oaths and Subscriptions. Which is the reason that the Priests are wondrous hot in every Country for the Opinions to which their Preferments are annex'd; in one place fierce Calvinists, in another violent Lutherans, in a third bigotted Papists; which could not so universally happen, did they in the least examine those Opinions they are ingag'd to profess. And therefore there can be no reason to trust the Press in the hands of Men so biass'd and prejudic'd, who cannot but be highly affronted to see the Laity do, what they durst not, judg for themselves, and not be blindly guided by them, who (poor Men) are not trusted to guide themselves. Yet for all this extraordinary precaution to keep the Clergy right and tight,

tight, and the great diſproportion of Numbers between the Laity and them, 'tis evident that almoſt all the Errors and wrong Notions in Religion have had their Riſe and chief Support from them. So that upon the whole, if the Preſs ſhould be truſted with any, it ought to be with Laymen, who have no Powers, Prerogatives, or Privileges to gain by perverting of Scripture, ſince they pretend to none but what they receive from the Society. Tho I cannot but preſume that our Legiſlators, were there no other reaſon, yet out of reſpect to the Clergy, would not enact ſuch a Law as ſuppoſeth the greateſt and moſt learned of them not fit to be truſted with the printing but a Half-ſheet in Religion without conſent of a Lay Licenſer, who is to have an arbitrary Power over their Works. And there's no doubt but the Clergy would highly reſent ſuch a Law; tho I cannot ſee but the appointing Licenſers, whether of the Laity or Clergy, equally reflects on their Body, becauſe it equally ſuppoſeth they are unfit to be truſted. But if they are content with that Diſgrace, it muſt be becauſe either they cannot defend themſelves againſt their Adverſaries, or that they have a mind to give themſelves up to Lazineſs and Idleneſs, and not trouble themſelves with the laborious Work of controverſial Divinity. But I ſhall ſay no more on this Point, having already ſufficiently ſhew'd how deſtructive the reſtraining the Preſs is to Religion, which it cannot be without being in general prejudicial to Civil Societies, for whoſe good it was inſtituted, but eſpecially when it is perverted on purpoſe to enſlave them: and there never was a Nation which loſt their religious Rights that could long maintain their civil ones, for Prieſtcraft and Slavery go hand in hand. Therefore I ſhall be the ſhorter on what I have to ſay on a civil account, eſpecially conſidering that moſt of thoſe Reaſons that ſhew how deſtructive a Reſtraint of the Preſs is to Religious, will equally prove it to be ſo in Civil Affairs.

Reſtraining the Preſs deſtructive to Religion,

16. The greateſt Enjoyment that rational and ſociable Creatures are capable of, is to imploy their Thoughts on what Subject they pleaſe, and to communicate them to one another as freely as they think them; and herein conſiſts the Dignity and Freedom of human Nature, without which no other Liberty can be ſecure: for what is it that enables a few Tyrants to keep almoſt all Mankind in Slavery, but their narrow and wrong Notions of Government? which is owing to the Diſcouragement they lie under of mutually communicating, and conſequently of employing their Thoughts on political Matters; which did they do, 'tis impoſſible that the Bulk of Mankind ſhould have ſuffer'd themſelves to be enſlav'd from Generation to Generation. But the Arts of State, in moſt Countries, being to enſlave the People, or to keep them in Slavery, it became a Crime to talk, much more to write about political Matters: And ever ſince Printing has been invented, there have been, in moſt Places State-Licenſers, to hinder Men from freely writing about Government; for which there can be no other Reaſon, but to prevent the Defects of either the Government, or the Management of it, from being diſcover'd and amended.

And Liberty.

17. Fame, Reputation, and Honour, as they are the greateſt Incentives to all good and vertuous Actions, ſo they as much terrify Men from committing baſe and unworthy ones. And it cannot be reaſonably preſum'd, conſidering the general Corruption of Mankind, but that the rich and powerful would frequently oppreſs thoſe beneath them, were they not afraid of loſing their Reputation, and expoſing themſelves either to the Contempt or Hatred of the People: For this Law of Reputation (if I may ſo call it) influences Men more than all other Laws whatever. But if there were a Licenſer of the Preſs, he might be prevail'd on not only to hinder the injur'd from appealing to the People by publiſhing their Grievances, but to licenſe ſuch Stories only as mercenary Scriblers would write to juſtify the Oppreſſors, and to condemn the Oppreſt: Which, as it would be the greateſt Encouragement for thoſe Men that are above the ordinary Remedies of Law to cruſh whom they pleaſe, ſo it would be the higheſt Injuſtice to deny the Injur'd the laſt Satisfaction of juſtifying their Innocence to the World, which would be ſure to paſs a juſt Cenſure on the Oppreſſors; and this they would the more dread, becauſe if once they loſe their Credit with the People, they will be very unfit Inſtruments for a Court to uſe. Therefore 'tis no wonder if all that make an ill uſe of their Power, eſpecially thoſe who have cheated the Government as well as abus'd the People, do endeavour with all their might to have the Preſs regulated, leſt their Crimes being expos'd in print, may not only render them odious to the People, but to the Government. In a word, All ſorts of Men whoſe Intereſt it is not to have their Actions expos'd to the Publick (which I am afraid are no ſmall number)

The Law of Reputation, its Power.

number) will be for reſtraining the Preſs, and perhaps will add Iniquity to Iniquity, by pretending they do it out of Conſcience to ſuppreſs Immorality and Profaneneſs.

18. But this is not the worſt that may happen, becauſe the Preſs may be ſo manag'd, as to become a moſt powerful Engine to overturn and ſubvert the very Conſtitution; for ſhould a Magiſtrate ariſe with Arbitrary Deſigns in his head, no Papers that plead the Rights and juſt Privileges of the People, would be ſtamp'd with an *Imprimatur*: Then the Preſs would be employ'd only to extend the Prerogative beyond all bounds, and to extol the promoters of Arbitrary Power as the chief Patriots of their Country, and to expoſe and traduce thoſe that were really ſo; which would not only be the greateſt Diſcouragement to all brave and vertuous Actions, but be apt to make the People miſtake their Friends, when they had not the Liberty to publiſh a Vindication of their Principles or Actions, for their Enemies. In a word, if the Pulpits and *Weſtminſter-hall* (as we have lately ſeen it) ſhould chime in with an Arbitrary Court, what can warn the People of their Danger, except the Preſs? But if that too be wholly againſt them, they may eaſily be ſo blinded as not to ſee the Chains that are preparing for them, till they are fetter'd beyond all Power of Redemption; for there can never be wanting a thouſand plauſible Stories, and ſeemingly fair Pretences to amuſe and divert them from perceiving their real Danger. And if we look into the Hiſtory of *Europe*, we ſhall find more Nations wheedled than forced out of their Liberty; tho Force afterward was neceſſary to maintain what was got at firſt by Fraud.

Slavery promoted by reſtraining the Preſs.

19. 'Tis ſo far from being impoſſible, that a People may be thus impos'd on to their utter Ruin; that 'tis probable another Generation ſeeing nothing but the Royal Prerogative highly magnify'd, may be bred up with the Opinion of being born Slaves. And were we not almoſt brought to that paſs in the late Reigns, when nothing came out with *Allowance*, but what was to juſtify ſuch Opinions? and if ſome good Men, eſpecially about the time of the Revolution, had not had the courage privately to print ſome Treatiſes (not to mention the Prince of *Orange*'s third Declaration) to undeceive the People, and to make them ſee the fatal Conſequences of thoſe Doctrines, which by the Reſtraint of the Preſs paſs'd for Divine and Sacred Truths, the Nation had tamely ſubmitted to the Yoke. And as it cannot be deny'd but that thoſe Papers in a great meaſure open'd our Eyes, ſo it may juſtly be hoped that none who ſaw the miſerable Condition that the Act for regulating the Preſs would have brought us into, will be inſtrumental in reeſtabliſhing that Law. No, thoſe Men ſure who ſo much exclaim'd againſt it in the late Reigns, will take all care imaginable to prevent it now. But if theſe very Men, who may juſtly be ſaid to be written into their Places, and owe their Preferments to the freedom of examining thoſe ſlaviſh Doctrines of the former Reigns; if theſe Men, I ſay, can ſo far forget themſelves as to be for a Law which till themſelves were uppermoſt they thought tended only to inſlave us, there cannot be, I think, a greater Argument for all others to oppoſe it. We are, God be thanked, bleſt with the Government of the beſt of Kings, who as he hazarded every thing to reſcue our Liberties when in the extremeſt Danger, ſo he places the Glory of his Reign in preſerving them intire, and tranſmitting them ſo to Poſterity. And therefore none that love his Glory can be for reſtraining the Preſs, which now as it can ſerve to no other end than to create Jealouſies in the People, who cannot forget what former Reigns deſign'd by it, ſo it may hereafter hazard all our Liberties. *Under a good King we may juſtly expect ſuch Laws as will not expoſe us to, but ſecure us from the Oppreſſions of an ill one.* The beſt things when perverted become the very worſt; as Religion it ſelf, when it degenerates into Superſtition, ſo Printing, which in it ſelf is no ſmall Advantage to Mankind, when it is abus'd, may be of moſt fatal Conſequence. Secure but the Liberty of the Preſs, and that will, in all probability, ſecure all other Liberty; but if that once falls into the hands of ill deſigning Men, nothing that we hold dear or precious is ſafe. And Experience manifeſts, that whereſoever That of the Preſs is deny'd, there no Other is preſerv'd. Moſt Countries in *Europe* maintain'd their Freedom tolerably well till the Invention of Printing; but when that was ſuffer'd to ſpeak nothing but Court Language, People were by degrees gull'd and cheated of their Liberty. Had not the late King tack'd Popery to Slavery, he might with the greateſt eaſe imaginable have enſlav'd us; and methinks the Danger we have ſo miraculouſly eſcap'd, ſhould fright us from ever enacting any of thoſe Methods into a Law that ſo much contributed to that Danger.

Liberty of the Preſs ſecures all other Liberty.

20. That

20. That which alone would engage me, were I a Senator, to oppoſe the Reſtraint of the Preſs, is, that a Parliament is to take cognizance of all ſorts of things, which ſome Men of Gentlemen-like Education may not have much conſider'd; and therefore the peruſing what thoſe without doors, who have made ſuch things their Buſineſs, have writ, may be none of the worſt means of informing themſelves; but a Reſtraint of the Preſs may in a great meaſure hinder them from receiving this Satisfaction, becauſe Licenſers might be prevail'd on to ſuffer but one ſide to publiſh their Sentiments even in Matters of the greateſt Conſequence. I have met with ſome Members who have frankly own'd that the incomparable *Argument againſt the Standing Army* gave them great Inſight into that grand Point, which, ſaid they, had not the Preſs been open, would never have appear'd, nor any thing on that ſide, but a number of Pamphlets on the other, which, with the noiſe of ſelf-intereſted Perſons, would in all probability have carried things quite otherwiſe. And ſeeing they could not foreſee how frequently ſuch things might happen, this alone, ſaid they, was enough to convince them of the neceſſity of the Liberty of the Preſs, ſince they could not be too ſecure of that ineſtimable Jewel Liberty, which, if once loſt, was ſcarce ever to be recover'd, eſpecially if ſeiz'd by a domeſtick Power. *Great Satisfaction got by the Preſs's being open.*

21. I doubt not but there are ſeveral well-meaning Men for regulating the Preſs; who, did they conſider how ſubject all things are to change, could not but be apprehenſive that this Engine of their own contriving might be turn'd upon themſelves, and made to ruin thoſe very Deſigns they thought to promote by it. For the Preſs (as a witty Gentleman obſerves) is like a Jackanapes, he who has him in his hands may make him bite whom he pleaſes, and therefore 'tis the ſafeſt way to keep their Jackanapes in their own hands. And it cannot but ſhew a great deal of hardineſs to make ſuch a Law as may produce very fatal Conſequences even to the Makers themſelves, who will then deſerve no pity, ſince they are ſcourg'd with Rods of their own providing: and 'tis the more probable this may happen ſo hereafter, ſince even at preſent ſuch a Law has but an untoward Aſpect upon moſt Parties; for one Party, tho he is pleas'd with it in religious, yet diſlikes it in civil Matters; another thinks the contrary to be his Intereſt; a third is ſatisfy'd with having ſuch or ſuch Sects reſtrain'd from Printing, but would be glad that others had that Liberty; a fourth, who cares not how all the Sectaries are dealt with, is yet afraid, that if the Preſs be in the hands of moderate Churchmen, none will be ſuffer'd to write any more Letters to a Convocation-man, or a *Manicipium Eccleſiaſticum*, or ſuch like Books; a fifth is afraid leſt this Power ſhould get into the hands of the rigid ones, for then the others will be run down as *Trimmers*, *Latitudinarians*, and what not. The ſame may be ſaid with reſpect to other Religious Opinions, about which Men of the ſame Church are divided; and the like may as well be obſerv'd in Civil Matters, but I leave every one to make that Remark for himſelf: ſo that if all Parties caſt up their Account, there are very few of them but will find a Reſtraint of the Preſs to be againſt even their preſent Intereſt. *Different Fears from the Liberty of the Preſs.*

22. I might add a great number of other Reaſons, becauſe as many things as are worth knowing, ſo many Arguments there are for the Liberty of the Preſs. What can be more uſeful than Hiſtory, and the Knowledg of our Anceſtors Actions? A faithful Account of which can ſcarce be expected in a Reign that has a deſign to diſguiſe Truth, and to keep us in ignorance of thoſe noble and generous Notions our Anceſtors had of Liberty, and how they aſſerted theirs upon all occaſions. As for what concerns the preſent time I ſhall only ſay, that for my own part I ſhould be glad, eſpecially when at a diſtance from *London* (and I ſuppoſe other Country Gentlemen may be of the ſame mind) to divert my ſelf with ſome other News-papers beſides the *Gazette*, which would hardly be permitted if the Preſs were regulated. As for Books of *Philoſophy*, and of other Arts and Sciences, I can ſee no reaſon why there ſhould be any Reſtraint on them, or why the licenſing them ſhould be intruſted with the Clergy, as by the late Act, except it be to hinder ſuch Books from being printed as tend moſt to inform Mens Judgment, and make them reaſon clearly, things very dangerous to a blind implicit Obedience. Beſides, an excellent Diſcovery in Nature may be hindred from being publiſh'd, on pretence that 'tis inconſiſtent with Religion: for the time has been when aſſerting the *Antipodes* was no leſs than Hereſy, and the Motion of the Earth a Crime worthy the Inquiſition; and with as little Reaſon (not to mention Dr. *Burnet*'s ingenious Tracts) has the moſt uſeful Book that was ever written in Philoſophy, the *Eſſay of human Underſtanding*, been condemn'd as inconſiſtent with the Articles of the Chriſtian Religion. As for *Phyſick*, *Liberty of the Preſs uſeful.* *Books of Philoſophy.*

Of Physick. sick, tho the licensing Books therein were wholly trusted with some of the College, the most useful Piece in that Science, either because the Licensers were engag'd in another Method of Practice, or because it may take from their Advantage, by prescribing a cheaper and easier way of Cure, or out of Envy, or a thousand other Reasons, might be hindred from seeing the Light, to the great detriment not only of the present, but future Ages. As to *Law*, I shall only say, If there are any Abuses crept into it, the likeliest way to have them reform'd, is not by restraining the Press.

How far Licensers are to be trusted.

23. Were Licensers unbiast, uncorrupt, and infallible, there might be good Reason to trust them with an Arbitrary Power to pass what Sentences they pleas'd on Books; but if we are to judg of the future by the past, they are almost as likely to be one as the other. Men of Sense (and others ought not to be trusted with it) without being resolv'd to make the most of it, will not care to be condemn'd to the drudgery of reading all the Trash that comes to be printed; nothing but Necessity will make such Persons submit to it, and that Necessity will make them less able to withstand Temptation. So that the appointing Licensers will be as bad as laying a Tax on Learning, since by delaying to look over Books, especially those that require hast to be printed, and by other Tricks (for there are Mysteries in all Trades) they may make People pay what they please for their *Allowance*.

A hinderance to the promoting of Knowledg and Truth.

24. But this is not the worst, it will be a great hindrance to the promoting of Knowledg and Truth, by discouraging the ablest Men from writing: for such Persons, especially after having once had the Liberty of publishing their own Thoughts, will not be content to have their Works lie at the Mercy of an ignorant, or at the best of an unleisur'd Licenser, who upon a cursory view may either condemn the whole to perpetual Darkness, or strike out what he pleaseth, perhaps the most material things. And tho a living Author may subject himself to this, yet none will be content that the Labours of a deceased Friend should be so serv'd: So that the Works of such a Person, tho ever so famous in his Life-time, shall be lost to all Posterity. Besides, is it not intolerable, that every time a Man has a mind to make any Alteration or Addition, between the licensing of the Copy and the printing it off, he must as often hunt after the same Licenser to obtain his Leave, for the Printer could not go beyond his licens'd Copy, when in the mean time the Press, to his no small damage, must stand still?

In short, tho there might seem to be some reason to condemn a Person that upon a fair Trial had been found guilty of writing immoral things, or against the Government, to the punishment of never writing again but under the Authority of an Examiner; yet what reason can there be that those who never offended, nay that the whole Commonwealth of Learning should be subject to so severe usage, which too is the way to have none but Fools and Blockheads plague the World with their Impertinence, and make an *Imprimatur* (as it did formerly) signify no more than that such a Book is foolish enough to be printed?

'Tis objected, That without Licensers any one may reflect on whom he has a mind to, so that most People shall be sensible whom he means, tho he mention but two Letters of his Name, or useth some other Description, by which means he is out of the reach of the Law.

This may be an Argument for the forbidding all Printing, but none for appointing Licensers; for 'tis much more reasonable for all to have the liberty to vindicate themselves the same way they chance to be aspersed, than to let the Licenser's Party abuse all others, and the Press not be open for them to justify themselves. But if any one reflects upon another after this manner, let him make appear whom it is he means, or else be esteem'd in Law to intend that Person that takes it to himself.

This I think is all that can be objected as to Civil Matters, except what relates to Sedition and Treason, for an Answer to which I refer the Reader to *Sect.* 13.

I have no more to add, but that my greatest Ambition, next to serving the Publick (which here I have endeavour'd to do, without so much as once thinking how it may affect me in my own private Concerns) is to approve my self to be,

SIR, Your most faithful and devoted humble Servant.

The Anatomy of a Project for raiſing Two Millions.

Printed in 1698.

BEfore I enter upon the Project I will premiſe three things.

First, That the Conſumption amongſt our ſelves of the wrought Silks, Bengals, and painted Callicoes of *India*, is prejudicial to this Nation, and not only carries out our Mony, but hinders our Silk and Woolen Manufactures at home. And here I ſhall not enter into a Diſpute, whether the *Indian* Trade in general is beneficial to the Kingdom, or not? for in my Opinion that ought to be made no part of the Queſtion; but whether, if thoſe Manufactures were prohibited here, the Trade would not be more beneficial, or leſs deſtructive than it is?

I never heard but of two Objections againſt ſuch a Prohibition that weighed with any body.

The Prohibition of Indian *Silks and painted Callicoes conſider'd.*

First, That the Trade cannot be carried on without theſe Manufactures; which is as much as to ſay, that the Kings of *China* and *Japan* will not ſell us their Commodities, unleſs we buy the Emperor of *Perſia*'s and the Great *Mogul*'s; or that the Great *Mogul* will not ſell us for ready Mony raw Silks, Pepper, Muſlins, white Callicoes, Fans, Salt-petre, nor even theſe Manufactures, unleſs we take as many as he pleaſes to impoſe upon us, and ſpend them in *England* too. If they ſay that the Trade will not turn to account without theſe Manufactures, they ſpeak againſt Matter of Fact; for they all know we carried on the Trade many Years with great Succeſs before they were thought on, this Miſchief being but of a few Years date.

The ſecond Objection is, That it is our Intereſt to ſpend the *Eaſt-India* Manufactures our ſelves, which coſt but little, and ſo ſend our own to other Countries to a greater Advantage. Now I would ask of theſe Gentlemen, Whether it is not full as reaſonable to let Corn come in from *Dantzick* and *Poland*, Cattel and Cloth from *Ireland*, Silks, Stuffs and Salt from *France*, &c. at a low Price. that we may ſell our Corn, Cattel, Cloth, Stuffs and Salt to other Countries at a high one, as to ſay we muſt wear *Eaſt-India* Silks, Bengals and Callicoes at home, that we may ſend our own Silks and Stuffs to Foreign Parts? as if the ſame Reaſon which makes the *Eaſt-India* Commodities beat us out of our own Markets, will not beat us out of Foreign; and then we ſhall neither wear any of our own Manufactures at home, nor ſend them any where elſe: Beſides, we all know that many thouſands of both Woolen and Silk Manufacturers are ready to ſtarve in *England* for want of Work; and that we do already ſell as much Woolen Drapery abroad as we can have vent for, notwithſtanding all that is ſpent at home, and could make as much more if we could diſpoſe of it.

Engliſh Manufactures formerly ſent abroad.

The ſecond thing I ſhall premiſe is, That we have ſent formerly as many of theſe Commodities to the other Parts of *Europe* as we are like to do hereafter: *France* that took off a great part of them, having already prohibited them intirely, and other Nations may do the ſame. Beſides, *France* as well as *Holland*, *Denmark* and *Scotland*, have *Eaſt-India* Companies, and other Countries in probability in time will have the like, who all will ſhare in that Trade, which we formerly in a great meaſure ingroſs'd; ſo that if we increaſe much in it, it muſt be by our own Conſumption.

Stock in that Trade how much imploy'd.

The third thing is, That there never was a Million *per Annum* (I believe not two thirds of it) ſpent in this Trade (I mean original Stock outward bound) and there

there is no reaſon to believe this Project will enlarge the Trade; for no Perſon will have any Liberty or Advantage by it more than he hath at this time: for now every Man may trade for as much as he pleaſes without any Limitation; whereas, if this Project takes, all that are not Subſcribers will be reſtrain'd. When they talk of diſcovering new Trades, I ſay, this Reſtraint will rather diſcourage than promote ſuch a Diſcovery, for the Reaſons before given; nor is there any Probability of ſuch an Attempt, whilſt they can make ſo great Advantage by theſe Commodities.

I am not poſitive in any thing I have here ſaid; but as I am more or leſs miſtaken in theſe Principles, ſo I ſhall be proportionably in all the Deductions I make from them.

The Project propos'd of raiſing two Millions.

Theſe things being premis'd, let us examine this Project, which runs thus, *viz.* Any Perſons whatſoever that will ſubſcribe 2000000 *l.* of Mony to his Majeſty's uſe, ſhall have 8 *per Cent.* perpetual Intereſt, redeemable by Parliament, iſſuing out of a double Duty upon Salt; and ſhall beſides have a Liberty of trading to the *Eaſt-Indies* for as much more; and if they will not trade themſelves, may ſell or rent that Liberty to any others, in the nature of Licenſes to Hackny-Coachmen: ſo that here is 4000000 *l.* of Mony to be rais'd, two for his Majeſty, and two to trade with.

Examination of it.

I do not pretend here to recite the Project offer'd to the Houſe of Commons, for that I know nothing of; but this is a Project talk'd and cry'd up in Coffee-Houſes. Now I ſay, the Encouragement offer'd to the Subſcribers is not ſufficient to bring in the Mony; and if it was, it would bring utter Ruin to the Kingdom. To diſſect it, let us inquire what the 8 *per cent.* is worth as *Exchequer* Credit goes now. We may remember not many Months ago, that Salt-Tallies which had 7 *per cent.* Intereſt, were ſold for 50 *per cent.* and now will not ſell for above ſixty four, tho it is the beſt Fund in *England* (it having paid off already near 80000 *l.* of the principal Mony (and much better than it can be when the Tax is doubl'd. I do believe the Projectors will agree with me, that they are not like to ſell better for increaſing our Funds; nothing being more certain than that the more Tallies or Stock we have, they will ſell the cheaper: beſides, when two Millions worth of Stock is to be ſold together, it will not bear the ſame Price as when there is not above two or three thouſand Pounds worth; for where lumping Sums are to be rais'd, there muſt be lumping Penniworths.

8 per cent. whether a ſufficient Encouragement.

Therefore taking it for granted, that the 8 *per. cent.* will not be Encouragement enough, then this Defect muſt be ſupply'd by Licenſes to trade to the *Eaſt-Indies*, to the Value of 2000000 *l.*

Now I have ſuppos'd before that a Million of Mony is as much as can be turn'd, eſpecially for a great many Years, in this Trade; which, if true, then here are twice as many Licenſes as can be made uſe of. Now it is certain that every Man will rather make ſomething of his Licenſe than nothing, and then of conſequence they will beat down one another ſo low, that ſome of them may be bought upon very reaſonable terms to put under Tarts and Cheeſcakes. I would ask of our Projectors, whether, if there were twice or thrice as many Licenſes for Hackny-Coaches as could be employ'd about the Town, ſome of them would not be us'd for Bumfodder?

To avoid this neceſſary Conſequence, perhaps they will ſay that 2000000 *l. per an.* may be imploy'd in the Trade: then let us ſee what Conſequence that will be to the Kingdom.

&c. whether 500000 l. is ſent out every year to India *in Commodities.*

Dr. *Davenant* ſays in his Eſſay upon the *Eaſt-India* Trade, that we uſually ſend forth 500000 *l. per annum* in value to the *Eaſt-Indies*, whereof I believe he will allow that not above 200000 *l.* was in Commodities: now I do not ſee any Probability of more than that Quantity in Commodities being ever ſent hereafter; for if they could have diſpos'd of more, the *Eaſt-India* Company and Interlopers would rather have carried it out, tho they got but two *per cent.* by it, than have ſent empty Ships. Indeed all Parts of the *Eaſt-Indies* are ſo hot that our Cloth is of little uſe to them; and that which is ſent is a Clog on the *Eaſt-India* Company, and little Benefit to us, for they ſend moſt of it up the *Perſian* Gulf, which prevents the Sale of as much from *Turkey:* then the other 1800000 *l.* muſt be ſent out in Silver and Gold. Now if what the *Eaſt-India* Company ſays be true, the Returns for this Mony will be five times as much, which will make 9000000 *l.* but becauſe we will be ſure to be within compaſs, we will take it to be but ſix; and if what I have ſaid in my ſecond Propoſition be true, all *Europe* beſides *England* will not take off above 500000 *l.* of this Sum, according to the Computations of Dr. *Davenant*, who without

out doubt makes the moſt of it: then there muſt be the value of 5500000 *l. per an.* of theſe Commodities ſpent in *England*, which muſt put an end to every Manufacture we have, and in a few Years not leave one Penny of Mony in the Nation. It is not material whether my Computations are exactly right; for I intend only to ſhew, that if 2000000 *l.* can be turn'd in the Trade, then much the greateſt part of it (if not nine parts in ten) will be carried out in ready Mony; and we have no Aſſurance of ever ſeeing any Proportion of it again, that depending upon the Faſhions, and uncertain Humours of other Countries.

If I am anſwer'd, That the Parliament deſigns to keep the Trade within their own Power, and to lay what Impoſitions or Reſtraints upon it they pleaſe; I reply, That deſtroys the very Project: for nothing is more certain than that theſe Inconveniences will happen, and 'tis very probable the Cries of the People will at laſt prevail upon the Parliament to prevent them, as hath been attempted four Seſſions together, and twice Bills have paſſed the Houſe of Commons to that purpoſe: and can it be conceiv'd that the Merchants will ſubſcribe a vaſt Sum of Mony at ſuch Uncertainties, when every Year they will be in pain about loſing the moſt beneficial part of the Trade? The ſame Objection lies againſt its being made redeemable by Parliament; for tho that is never likely to be done, yet the very mentioning it may ſpoil the Propoſal: for it is telling the Subſcribers after they have ſtood the brunt of the day, if another Set of Men hereafter, when Mony is more plenty, ſhall offer to raiſe the ſame Sum upon eaſier Terms, then they ſhall be laid aſide.

From all this I infer, That if 2000000 *l.* is not employ'd in the Trade, the Licenſes will be worth little or nothing; for no body will be reſtrain'd when there are more Licenſes than can be us'd: and if the whole 2000000 *l.* is employ'd in the Trade, the Kingdom is undone. Beſides, the *Eaſt-India* Company that now is muſt either be aboliſh'd, or continu'd; if the former, it ſeems to be great Injuſtice to them, when the King has granted them a Patent purſuant to the Votes and Addreſs of the Houſe of Commons; if the latter, then there will be a great Stock without Limitation employ'd in the Trade over and above this 2000000 *l.* and ſo conſequently much more Mony will be carried out, and theſe Licenſes of much leſs Value.

Setling perpetual Funds dangerous.

We may add to this, That nothing can be more fatal to the Nation than ſettling perpetual Funds; for they maim the Publick, and in effect cut off ſo many Counties from the Government, by diverting more Supplies than they contribute towards the national Charge to private Uſes. It's a moſt miſerable thing to conſider, beſides the Funds that will expire in about 8 Years time, that we ſhall pay, if this Project goes on, near 800000 *l. per an.* for Perpetuities or long Tracts of Years; which will make the Publick as much weaker, as if the 6 Northern Counties, with all the People in them, were ſunk in the Sea. This it is that hath brought *Spain* to ſo low an ebb, notwithſtanding their great Territories in *Europe*, and the Riches of the *Eaſt* and *Weſt-Indies*. Beſides, theſe long Funds ſtrike at the very Foundation of our Government; for if in a future Reign the Court ſhould ſhut up the Exchequer, what will become of our Conſtitution, and the Power of Parliaments, for which, in my Opinion, we have no Security but their Power of giving Mony? and therefore unleſs I was a Miniſter of State, I would never conſent to a Project that ſeems ſo pernicious to me.

They tell us this Fund ſhall be made redeemable by Parliament; which is a Chimera, when there is the united Intereſt of ſuch a Number of People to continue it, and 2000000 *l.* of Mony muſt be rais'd to redeem it: and whoever doubts this, let him conſider not only what the *Eaſt-India* Company hath done to preſerve themſelves, but what Intereſt the *African*, *Ruſſia*, *Hamborough*, and other Companies, have always made when they have been in danger, and he will be ſatisfied that ſo great a Body of Men arm'd with ſuch a Revenue and ſuch Privileges, will not only preſerve themſelves, but almoſt govern the Kingdom.

Qu. if the Bank of E. will ſuffer by it.

But farther, if this takes, in all probability it will deſtroy the *Bank of England*, not only by leſſening the Price of their Stock, but by making ſuch Demands upon them as 'tis impoſſible they ſhould pay: and if they ſhould be broke a ſecond time, they muſt not expect another Reſurrection; the Conſequence of which muſt be the deſtroying the Credit, and depretiating all the Tallies in *England*, which have advanc'd or decreas'd always with the Bank-Stock: nay, even this very Stock will have the ſame fate.

Beſides, the doubling the Salt Fund in all likelihood will not double the Income, as we have experimented already in the Exciſe upon Beer and Ale; and then it will

will leſſen the Security of the Salt Tallies, which now pays off every Year part of the principal Mony, and then perhaps will not pay off the Intereſt, and by that means make that Fund perpetual, which otherwiſe would clear it ſelf in leſs than 20 years.

Before I have done, I will take notice of a Saying that is in almoſt every ones Mouth, viz. *That we muſt ſettle the* Eaſt-India *Trade one way or other, or elſe it will be loſt*: tho, by the way, this can't be ſuch a ſettling it; for this Project gives no Man any Advantage, Benefit, or Facility in Trading that he had not before, but only ſays, No Man ſhall trade that is not ſo qualified.

Neceſſity of an Eaſt-India *Trade.*

Now let us conſider what Trades we are in poſſeſſion of, and that we are likely to loſe. We have little or no Trade but to *Perſia*, *India*, *China*, or *Japan*, for the Commodities of thoſe Countries, moſt of which we buy with our ready Mony. Now, I would ask, whether if we ſhould diſcontinue this Trade for 20 Years (which cannot be the Caſe) they would not ſell us their Commodities for ready Mony whenever we offer'd it. The *Engliſh* and *Dutch Eaſt-India* Companies know this by woful Experience; for tho they have had the Monopoly of theſe Trades for many Years, yet now the Interlopers beat them both out of them.

Spice Trade of great advantage to England.

There is one part of the Trade to the *Eaſt-Indies* which would be beneficial to us if we could get it, which perhaps requires joint Counſels, Stock, and Forts to manage, which is the Trade for Spices to the *Molucca* and *Philippine* Iſlands. The reaſons that Forts may be neceſſary here is, becauſe they are ſmall Iſlands inhabited by few People, and may be ſeiz'd by the *Dutch* and other Nations, if we do not protect both them and our ſelves: but this Reaſon will not hold in thoſe vaſt Dominions where Forts cannot defend us againſt the Natives, and the Natives will protect us againſt other Nations: ſo that nothing can be more ridiculous than to have Forts there to ſecure the Trade of the Coaſts of 10000 Miles; as if we ſhould have a Fort at *Archangel* to ſecure the Trade to *Turky*.

This Trade for Spices would be a prodigious Advantage to the Kingdom, tho not ſo great Profit to the *Eaſt-India* Company as the Manufactures they now trade in; which is the Reaſon they have never yet applied themſelves to get it, as might be eaſily done if *Dampeir* tells us true, who ſays, that many of the *Philippine* Iſlands have Spices which the *Dutch* know nothing of; and ſome of them have made Overtures to the Company, but without Succeſs: ſo that upon the whole matter it appears to me, the prejudicial part of the Trade we can't loſe, and the other we either will not, or cannot get.

But after all, if we are reſolv'd to encourage theſe Manufactures, in my Opinion the beſt way will be to eſtabliſh the *Eaſt-India* Company, not for the Reaſons they give, but becauſe it will diſcourage the Trade; for as they would manage a beneficial Trade to leaſt Advantage, ſo they will a deſtructive one to leaſt Diſadvantage.

I do not pretend here to have recited the Project exactly, nor am I poſitive in any of my Computations, but have endeavour'd to take them the ſtrongeſt againſt my ſelf; and if I am miſtaken in them, there muſt be proportionable Allowances made: and yet I believe the Subſtance of what I have ſaid will hold true. Beſides, I have not entred into the Practicableneſs of the Project, as how it will be poſſible to confine Men to trade for no more than they ought to do, when Gold, Silver, or Jewels, may be carry'd out privately, and Mony be tranſmitted by Bills of Exchange; and then what will become of the Licenſes? But this I will leave till I know more of it, and then I will either own my ſelf in the wrong, or ſhew it to be a ſenſleſs Project.

It cannot be doubted but thoſe whoſe Buſineſs it was, conſider'd of all the Propoſals for raiſing of Mony before the Parliament ſat; and ſince they thought this a good one, they would have done their Country great Service if they could have offer'd it ſooner: for by that means they might have ſav'd the great Diſcounts we have paid; they might have diſcharg'd a great many thouſand Seamen, whom we have kept in conſtant Pay for want of Mony to clear them; they might have diſbanded all the Army which the Parliament have not allow'd, and have been kept up ſince at the Expence of that Mony which is and muſt be given to maintain thoſe that were allow'd, becauſe a few thouſand Pounds could not be got to disband them; beſides the great Inconvenience it has been to the Country-Gentlemen, who have been kept from their Affairs at home, and at laſt may be under a neceſſity to leave the whole Buſineſs of Parliament to thoſe whoſe Occaſions require them to be about *Weſtminſter*.

I will conclude, with my hearty Wiſhes for raiſing the Mony by the moſt effectual means, for his Majeſty's and the King of *Spain*'s Life, and for a Triennial Parliament.

F. S.

A LETTER to his moſt excellent Majeſty King William III.

Printed in 1698.

SHEWING,

I. The Original Foundation of the Engliſh *Monarchy.*
II. The Means by which it was remov'd from that Foundation.
III. The Expedients by which it has been ſupported ſince that Removal.
IV. Its preſent Conſtitution, as to all its integral Parts.
V. The beſt Means by which its Grandure may be for ever maintain'd.

SIR,

A Well-meaning and dutiful Subject humbly begs your Majeſty to read this Letter, which is written with no other Deſign than only to ſet before you,

I. What was the antient Foundation of the *Engliſh* Monarchy.
II. How it was remov'd from its natural Foundation.
III. By what Expedients it has been ſupported ſince that Removal.
IV. By what Expedient your Majeſty may ſupport the Monarchy during your Reign (which I pray God may be long and happy) and alſo raiſe it to as high a degree of Glory as ever it attain'd heretofore. Under which Head is included its preſent Conſtitution as to all its integral Parts.

I. The Monarchy of *England* was ſettl'd upon an Overballance of Lands veſted in the King, the Nobility, and the Church, who antiently poſſeſs'd above two thirds of the whole *Engliſh* Territory: But the Noblemen held their Lands upon condition, that they ſhould aſſiſt the King on all his Occaſions with certain Quotas of Men well arm'd and paid: And then theſe Noblemen let out their Lands to their Tenants on condition they ſhould always be ready to follow their reſpective Lords to the War as often as the King had any occaſion for their Service. So that very ſmall Rents were demanded by the Lord from the Tenants, becauſe he had contracted for their Perſonal Service.

Perſonal Attendance and Service requir'd for Land.

'Twas this Diſpoſition of Lands which enabled our former Kings to raiſe great Armies when they pleas'd, and to invade *France* (their natural Enemy) with Succeſs: and hereby it was that the Nobility upheld the Grandure of the King at home as well as abroad; and at the ſame time they were a ſhelter and defence to the com-

The Ballance of Property.

common People, if the King were inclin'd to make any Incroachments upon them. For the Overballance of Propriety (and consequently their greatest natural Power) was vested in the middle State of Nobility; who were therefore able to preserve both King and People in their due Bounds.

Thus the *English* Monarchy stood upon a natural Foundation, the King being the great Landlord of his People, who were all bound by their Tenures (in subordination to one another) to support his Crown and Dignity.

The Foundation sap'd by Hen. 7.

II. This antient Foundation of the *English* Monarchy was sap'd and undermin'd by King *Henry* the Seventh, who (having seen the Imperial Crown of *England* dispos'd at the pleasure of the Lords that had maintain'd a War against the Crown for near 400 years) could not but be much concern'd at the overgrown Power of the Peers, who sometimes would pull down and set up what King they pleas'd: and this Consideration made King *Henry* the Seventh seek after ways and means how to lessen the Power of the Lords, which had been so prejudicial to the Crown; and seeing that their overgrown Power was supported by the great Territories of Land of which they were possess'd, and which they could not alienate from their Heirs, he by the help of his Parliament found out a way to change the Tenure of Lands in such a manner, that the Tenant should be oblig'd only to pay a Rent instead of personal Service to his Landlord: and also a way was found out for the Lords to alienate their Lands from their Posterity. This was done to the end the Lords might be encourag'd by an expensive way of living to sell their Lands, and that the Commons who lived thriftily might be enabled to purchase them. Hereby it came to pass, that at the end of King *Henry* the Eighth's Reign (in whose time most part of the Church-Lands were also sold to the People) the common People of *England* had near two Thirds of the Lands of *England* in their proper Possession, and the King, Lords, and Church little more than one third Part; whereby the Ballance was turn'd on the side of the Commons, who were therefore able to make War upon the King, Lords and Church together, as appear'd afterwards in the Reign of King *Charles* the First.

Tenure of Lands alter'd.

Ballance turn'd towards the Commons.

Thus it appears that the antient Foundation of the *English* Monarchy was remov'd in the Reign of King *Henry* the Seventh; and the Overballance of Lands falling from the Lords to the Commons, 'tis evident that the Monarchy has ever since stood not upon an Aristocratical, but a Popular Foundation; and such a Foundation does naturally support none but Commonwealth Forms of Government. Wherefore a Monarchy supported on such a Foundation may properly be call'd a Government of Expedients, because it is by Expedients and Inventions, and not upon any bottom of its own that it subsists. Now what Expedients our Kings have us'd to support the Monarchy, is the next thing to be consider'd. Wherefore,

The Monarchy subsists by Expedients.

III. The Ballance of Lands being chang'd by the end of King *Henry* the Eighth's Reign, from the Lords and Church to the Commons of *England*, 'tis past all doubt but that Queen *Elizabeth* discover'd the popular Bottom of the Monarchy, because she found out the only wise Expedient by which the Monarchy upon its new Foundation was capable of being supported in its antient Lustre and Glory. Her Expedient was her Popularity, by which she acccommodated her personal Administration to the true Genius of the Monarchical Constitution as it then stood. For the whole Reign of that Queen (of glorious Memory) tho long, but not tedious, was past over in a constant Courtship to her People, in which not only all her Actions, but sometimes her very Words expres's'd her Knowledg, that the Monarchy was then founded on their Affections. In what Glory she supported her self and the *English* Monarchy by that Expedient of Popularity, notwithstanding very great Oppositions from the preheminent Powers of *Europe*, her History does sufficiently explain.

Q. Eliz. *affected a Popular Government.*

K. J. I. *had different Maxims.*

King *James* the first was not in his nature inclin'd to pursue this honourable and proper Expedient, but his Thoughts seem'd to be set on his own Power more than upon his Peoples Good; whereby it came to pass that the Flattery of the Court was more pleasing to him than the general Interest of his Kingdom. And having got some superficial Skill in the Arts and Sciences, and a profound Knowledg (as he thought) in Theology, he made his Court to the Divines of the Church of *England*, that they being appriz'd of his great Learning might in their Writings celebrate his Fame, and insinuate to the People his great Knowledg in all sorts of Divine

vine and Human Learning. Hereupon at his firſt coming to the Crown of *England* he induſtriouſly aſſiſted the Biſhops and Church-Party againſt the Puritans; whom the Church look'd upon as no leſs than her Enemies, becauſe tho they could endure, yet they did not admire her Biſhops and Ceremonies. And in this manner that King found out his Expedient in the Church-party, which admir'd and almoſt ador'd his deep Learning, oftentimes comparing him to King *Solomon* for Wiſdom, and indeed omitted no opportunity which might gain him an extraordinary Reverence among the People.

Courts the Clergy, who flatter him.

'Tis not then to be wonder'd at that King *Charles* the Firſt trod in the ſteps of his Father, and purſu'd the ſame Expedient which had been ſucceſsful to his Father, eſpecially having deriv'd from him the ſame Temper of Mind, and being well pleas'd to have for his Flatterers the graveſt of Divines; whoſe Courtſhip ever tended to aggrandize the King by enlarging the Royal Prerogative, and to ſet it above the Laws of the Realm, by virtue of ſome political Doctrines which they drew from the Word of God. From hence ſprang the Divine Right by which thoſe Kings were ſaid to reign over us, and a Divine Right of Succeſſion to the Crown of *England* was deriv'd to their Poſterity. But yet King *Charles* the Firſt laid too great a weight upon this Expedient, and encourag'd it too much, even when the People began to be ſenſible that the Pulpit-Law did build the King's Prerogative upon the Ruins of the Peoples Liberty: And herewith began the quarrel of the People againſt that King, in which he loſt his Life; and the Monarchy loſing its Expedient of the Church-party, was likewiſe overthrown.

K. Ch. 1. follows his Maxims.

After this an Eſſay was made to introduce a Commonwealth Form of Government, but it was interrupted by a Standing Army, which with their arbitrary and uncertain ways of Adminiſtration at laſt tir'd out the People, that they reſtor'd the Monarchy in the Perſon of King *Charles* the Second; who being the Son of the Royal Martyr, was intitled to all that Aſſiſtance which the Church was capable of giving: and there was one thing more which made the Churchmen exert all their Powers with the greateſt vigor in favor of their reſtor'd King, which was this.

The Nation ſoon tir'd of a Commonwealth.

The Clergy and their Party having been ill treated ſince the Downfal of King *Charles* the Firſt, and being again reſtor'd with *Charles* the Second to their former Dignities, they were highly animated againſt the Presbyterians, by whom they had been provok'd in the late *Interregnum*, ſo that nothing was more in their Deſires than to be aveng'd of their Enemies; and this maſter Paſſion of theirs was ſo well gratify'd by their King, who granted ſevere Laws againſt all Diſſenters from the Church, that no Prince ever gain'd the Hearts of the Clergy and their whole Party more intirely to his Intereſt than *Charles* the Second. No Vice or Leudneſs could ſtain the Reputation of the Martyr's Son; but tho he were the greateſt Encourager of all Profaneneſs and Immorality in the moſt open manner, yet ſtill he was our moſt Religious and Gracious King. In his time all Atheiſts, Debauchees and looſe Perſons own'd the Church of *England* for their Mother; which numerous Party enlarging the Pale of the Church, aſſiſted very much to advance the Power of the King upon the Foundation of the Divine Right which it was ſaid God had given him: ſo that the univerſal Acclamation was, *Great is* Diana *of the* Epheſians, and great is the *Jure Divino* King, the Image which fell down from *Jupiter!*

The Reſtoration of K. Ch. 2. brings the Clergy into his Intereſt.

But notwithſtanding this loud Acclamation, the cautious King, who in his youth had bin forc'd to travel into foreign Countries, and was unwilling to take ſuch another Journy, did not think fit to rely wholly upon this Church-Expedient, but to give it greater ſtrength he twiſted into it a Court-party, who by their Places and Penſions were oblig'd to aſſiſt his Royal Pleaſure by their Votes in both Houſes of Parliament: and thus the Monarchy had its Foundation laid in Place and Penſion, which by angry People is call'd Bribery. But let that be as it will, 'tis certain that Men can never act ſo vigorouſly for a Bribe, as out of mere Inclination. Beſides this, mercenary Men are ſoon diſcover'd in their Deſigns, and the Diſcovery of their Principle forfeits all their Credit with the People. So that a ſmall ſteddy Country-Party in Parliament were a great clog upon the Projects of Church and Court, which, tho ſo cloſely united together, prov'd but a lame Expedient to ſupport the Monarchy in the Perſon of King *Charles* the Second; ſo that between theſe two ſtools he fell at laſt to the ground, but not without thoughts of the only Expedient by which he might (had he liv'd) have eſtabliſh'd himſelf upon the Foundation of the People of *England*.

Sets up a Court-party and bribing of Members.

King *James* the Second would not truſt to any of the forementiond Expedients, becauſe none of them could be ſufficient to carry him thro all his Deſigns, eſpecially thro

K. J. 2. truſts only a Standing Army.

thro that of introducing Popery. Nothing leſs than a Standing Army could ſupport his Tyranny, but Popery was too great a weight for the Army to ſtand under: So that while he was ſubduing the People to Popery by a Proteſtant Army, he loſt both People and Army; in conſequence whereof he was loſt himſelf. And that the Loſs of him may by means of your Majeſty's happy Reign be a Gain to *England*, it is to be conſider'd,

IV. By what Expedient your Majeſty may ſupport the *Engliſh* Monarchy during your Reign, and by which you may raiſe it to as eminent a degree of Glory as it ever attain'd heretofore.

Your Majeſty may remember that the original Foundation of the Monarchy was the great Territory of Land poſſeſs'd by the King: but your Majeſty is alſo ſenſible there are but very ſmall Remainders of this Territory in your preſent Poſſeſſion; even the very accidental Additions of Lands to the Crown have been alienated to the Favorites of the *Scotiſh* Line: So there is need of an Expedient now as much as ever for the Support of the Monarchy.

Expedients neceſſary.

Be pleas'd therefore to review the Expedients of former Princes, and ſee if any of them be ſutable to your particular Circumſtances, or proper for your Majeſty to depend upon for the Support and Glory of your Throne. And,

That of the Churchparty conſider'd.

As for the Church-party which was the darling Support of the *Scotiſh* Line, it is ſo much worn out by a Succeſſion of three Kings, that 'tis very weak and feeble at preſent. The Craft of the Prieſt, which conſiſts in framing ſuch Interpretations of Holy Scripture as ſerve an indirect Intereſt, was never diſcover'd ſo much as of late, and no Perſon has ſo much contributed to the Diſcovery hereof as your own ſelf; who by the Revolution you have lately made have revers'd all the Political Divinity which the Clergy have been propagating ſince the Reign of King *James* the Firſt. 'Twas the Church-Clergy and Party who by their Preaching and Voting oppos'd the Bill for excluding *James* Duke of *York*, a known Papiſt: 'Twas this Party who impos'd upon the Nation the Doctrine of Paſſive Obedience to a Tyrannical King upon pain of eternal Damnation: They always avow'd the Divine Right of a Lineal Succeſſion to the Crown (by which your Majeſty is excluded) and that all Kings are of God's (not the Peoples) making. From theſe Principles ſome of 'em openly refus'd to ſwear Allegiance to your Majeſty; and thoſe of them who yield a paſſive Conformity to your Title and Government, have been found in ſeveral differing Stories about the Ways and Means whereby they ſatisfy their Conſciences in this matter. Some have alledg'd, that your Majeſty having conquer'd us, they may lawfully ſubmit to a Uſurpation which cannot be avoided, and is ſettled by Succeſs: but all of 'em know that your Majeſty can make Biſhops and Deans *de facto*, and therefore they will not queſtion the *Defacto*-ſhip of your Prerogative Royal. But it cannot be expected that the Clergy, who have uſually requir'd the Peoples Submiſſion to their Sentiments under the pain of Damnation, ſhould upon this Revolution be contented to cry *peccavi*, and openly recant all their former Doctrines of Divine Polity by a hearty active Conformity to your Majeſty's rightful Title and Government. For this reaſon it is you have receiv'd ſo little reſpect from the Body of the Clergy, tho we have receiv'd all that we enjoy from you.

The Clergys political Maxims in Divinity overturn'd by the Revolution.

But yet ſuppoſe the Church were willing to exert it ſelf in your Service, its Influence is not at preſent ſo powerful as it has been; for by meddling ſo much in State-Affairs ſhe has loſt (in great meaſure) her former Reputation: Nor has ſhe near ſo numerous a Party as formerly ſhe had; for all the Deiſts, Socinians, and Latitudinarians own no ſuch Church-power at all. The Presbyterians, Independents, Baptiſts, and Quakers, tho they have their ſeveral Forms of Church Government, yet are no Friends to that publickly eſtabliſh'd. But they are all unfeigned Lovers of your Majeſty. Bigotry likewiſe has lately ſuffer'd a great Diminution, and Incredulity is ſtrangely increas'd, and almoſt become faſhionable. Thus the Authority of the Church is forc'd to ſubmit to the Reaſon of Mankind; and all thoſe who are dutiful to your Majeſty, are averſe to the Homilies of the Church, becauſe they exclude you from all Pretence of Right to the Crown you wear: So that the Toleration granted by your Majeſty has done you more ſervice than Uniformity can ever do.

The Diſſenters Lovers of his Majeſty.

Bigotry out of faſhion now.

The Court Party conſider'd.

As for the Court-party, 'twas never eſteem'd to be any more than an Auxiliary to the Church for the Support of King *Charles* II. in whoſe Reign too it was diſcover'd, that after a Catalogue of Court-Penſioners was publiſh'd from the Preſs, the Complexion of his Parliaments was very much chang'd. And if at any time ſuch

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a List ſhould be printed, the People of *England* would refuſe to give their Votes for them in the next Election of a Parliament, and in their ſtead will elect Members of a contrary Temper: People commonly run out of one Extreme into another; and when they reject a Courtier, they will probably chuſe a moroſe-humour'd Man in his place.

It muſt be allow'd that it has the face of a politick Expedient to adopt Men of known Integrity and Love to their Country into the Court-party; for hereby the Hearts of the People will be for the preſent gain'd to the Court: tho theſe Patriots being endu'd with a ductile Temper, will ſoon become conformable to the nature of the Court. This very Expedient has for a time done good ſervice to your Majeſty's Affairs both at home and abroad. But I think it ought to be conſider'd only as a Cordial, which for a ſhort time may revive a languiſhing man's Spirit, but yet ought not to be depended upon as a conſtant Support of Life. And as for theſe new Whig-Courtiers, they will raiſe the Expectations of all Men to hope for a ſteddy virtuous Adminiſtration. But when this reputed Patriot ſhall accommodate his Diſcourſe to the old Stile of the Court; when he ſhall inſinuate ſuch Notions to his old Acquaintance, the Baſeneſs and Unworthineſs whereof his old Friends had heard him frequently deteſt all his days in which he was unprefer'd, this new Courtier ſoon loſes all his Credit and Intereſt with his old Friends, who refuſe to follow the Decoy-Duck into the Net. *New Court-Whigs.*

But this is not all the Miſchief which attends this Project of a Whig-Courtier, but a perſonal loſs of your own Reputation is actually the Conſequence hereof: for as long as the Court was made up of Tories, the People were willing to excuſe your Majeſty, and lay the faults of Male-adminiſtration upon the Tory-Court, ſaying, That the old Tools would ſtill do no other than the old Work. But when a Man of known Honour, Integrity and Love to his Country, upon getting a Preferment ſhall change his former note, do Violence to himſelf by changing his avow'd Principle, and thereby loſing all the Reputation which his former Virtue had gain'd him, every Man will be apt to conclude that this new Courtier is encourag'd to do this by ſome higher Power, if not engag'd thereto by the fear of loſing his Place or Penſion. And when the People of *England* ſhall come to know that as ſurely as a Landman who is employ'd at Sea will turn Seaman, a Patriot employ'd in the Adminiſtration will turn Courtier, they will begin in earneſt to think of ſuch a Form of Government as can ſubſiſt without a Court. *The danger of truſting that Party.*

And having ſaid this, I cannot forbear telling your Majeſty my Thoughts concerning a Commonwealth Party, which has been much talk'd of in *England* during the Reign of King *Charles* the Second, and has not quite been forgotten at any time ſince.

A great Veneration for Monarchy has been frequently made uſe of by Men to recommend themſelves to the particular Favour of our Kings of *England*; and when real Occaſions have been wanting to recommend their Affection for Monarchy to the notice of the King, a mere fantaſtical imaginary Fear of a Commonwealth has been made uſe of: hence they have been perſuading our Sovereign Princes that a great number of their Subjects have form'd themſelves upon Commonwealth Principles, and are ſtill waiting an Opportunity to extirpate the Monarchy, and to introduce into its place a Republican Form of Government. But your Majeſty has ſeen this fantaſtical Opinion ſufficiently confuted: For thoſe who were the ſuſpected Commonwealths-men join'd heartily together in preſerving the Monarchy, by voting your Majeſty (then Prince of *Orange*) into the *Engliſh* Throne, in oppoſition to thoſe Adorers of Monarchy who were ſetting up a Regency; who had they put the Kingly Power into the hands of a Committee, had founded a Commonwealth, or ſomething very hardly to be diſtinguiſh'd from it. But to proceed from matter of Fact, to reaſon freely upon this matter. I cannot ſuppoſe any man who has the uſe of his Reaſon, and lives under a Monarchy, to be fond of a Commonwealth, if all the Ends of Government are anſwer'd by the ſettled Monarchy. So in *Holland* he would be thought to have loſt the uſe of his Reaſon, who ſhould hazard his Life by endeavouring to introduce a Monarchy there, where all the Ends of Government are perfectly anſwer'd by the eſtabliſh'd Form of a Commonwealth. The End of all Governments is the common Good of the People; and if that great End be attained under any eſtabliſh'd Form, he is fit only for a Mad-houſe who will endeavour to pull down the eſtabliſh'd Form only to introduce a new one: And a *The Commonwealth Party conſider'd.* *Falſe Inſinuations about Commonwealth Principles made uſe of.* *The End of Government the Good of the People.*

Party of ſuch mad men as theſe can never be ſufficient to raiſe a Jealouſy in any Government which is under an upright Adminiſtration. Tho it muſt alſo be acknowledg'd, that as corrupt Prelates make way for a Presbyterian Government in the Church, ſo a corrupt Court-Party may occaſionally introduce a Republican Form of Government into the State. Beſides, there is no Man who underſtands the political Structure of the *Engliſh* Monarchy, but will find it ſo agreeable to the Intereſt of a free People, that nothing can be added to it to render it more perfect: And it is particularly manifeſt, that all the Advantages which may be ſuppos'd to ariſe from a Commonwealth, may be as freely and fully deriv'd from the Temper of the *Engliſh* Monarchy; as may thus appear.

The Engliſh Conſtitution anſwers all the Ends of Government.

If any Man would know what is the Conſtitution of the Government under which he lives, there are but two things to be done in order thereunto. 1. He may conſider the nature of Sovereign Power in relation to all thoſe particular integrating Parts out of which it is form'd and compos'd: And 2. it will be alſo needful to conſider in what Perſons theſe integral Parts of Sovereign Power are veſted and lodged. For every independent Government comprehends a Sovereign Power within it ſelf, and is ſpecify'd by the different Lodgment of the Parts of that Sovereignty.

Now the integrating Parts which compound Sovereign Power are theſe:

The integral Parts the Sovereign Power is made up of, are ſix.

1. Legiſlative Power, or Authority to make Laws.
2. Executive Power, which conſiſts in creating Officers to execute the Laws, and diſcharge all the Functions of the Government according to Law.
3. A Power of making War and Peace.
4. A Power of raiſing Mony for Support of the Government either in War or Peace.
5. The laſt Appeal in all Caſes of Law. To which may be added,
6. The Power over the Mint.

Three of theſe Parts are in the King.

And of theſe ſix Parts of Sovereign Power, 'tis notorious that there is but one Moiety lodg'd in the Perſon of the King of *England*, viz. The Executive Power, the Power of War and Peace, and the Coinage. And of theſe three Branches of Royal Power, the Executive (which is the greateſt) is ſo limited, that the King cannot employ any Man in Civil or Military Office under him, but ſuch a one who is qualify'd by Laws of the Peoples making. And tho the Power of War be veſted in the King, yet the Commons have reſerv'd to themſelves the Power of raiſing Mony, without which no War can be carry'd on. As for the Coinage, 'tis only an honourary Truſt, rather than any real Power. But in the Legiſlature (which is the greateſt point of Sovereign Power) 'tis certain that the Commons have their ſhare, inſomuch that no Law can be enacted without their Authority. And they alſo having the power of opening the Purſe of the Nation, 'tis certain that no War can be carry'd on without their Conſent. The laſt Appeal in Suits of Law is uſually made to the Houſe of Lords.

And as long as this happy Conſtitution ſhall be preſerv'd from the Power of Violence and Fraud, I cannot tell what to wiſh for which may be of greater Advantage to the People of *England*.

Church-arts in the laſt four Reigns to ruin the Conſtitution.

But yet nothing is more notoriouſly known than that in the four laſt Reigns many Church-arts and Court-practices were us'd to break in upon this happy Conſtitution, by raiſing the Power of the King above what it ought to be, and by reducing the Commons to a narrower Compaſs of Power than what of right belongs to them. And 'tis alſo very well known, that whoſoever have ſhewn their Reſentments hereupon, have been repreſented as Commonwealths-men and Antimonarchical. But tho theſe Men were declar'd Enemies to the *Turkiſh* and *French* Forms of Monarchy, 'twas very viſible that they were the trueſt Lovers of *Engliſh* Monarchy, becauſe their Behaviour provok'd only that ſort of Men who were promoting ſuch Principles and Practices as tended to change ſome part of that Conſtitution. Upon the whole matter a Commonwealth Form of Government can never be receiv'd among us in *England*, but only as the laſt Refuge, when the Church-party and Court-party have, thro Corruption, ſubverted the admirable Conſtitution of *Engliſh* Monarchy. But to return from this Digreſſion: Since Prieſt-craft and Court-craft have been of late ſo much diſcover'd; ſince Bigotry of late days is grown out of requeſt; ſince the unbigotted People are more dutiful to your Majeſty than the Bigots are; and ſince the common People of

of *England* are more firm and truſty than a Court-party, I cannot but think that

A *Real Popularity* would be a better Expedient than a Church and Court-party join'd together can be: for as to the Expedient of a *Standing Army*, 'tis certain, that beſides its own intrinſick Inſufficiency, *Lewis* the preſent *French* King, and *James* the laſt of *England* have render'd it odious. It ſtinks in the Noſtrils of all freeborn Men, and can only be an Expedient to ſet up a Commonwealth. But 'tis plain that *Real Popularity the beſt Expedient.*

A profeſs'd Regard to the Commonweal of the People of *England* ſteddily purſu'd, did raiſe the *Engliſh* Monarchy under the Adminiſtration of Q. *Elizabeth* (of bleſſed Memory) to as high a degree of Glory as it ever attain'd when it ſtood upon its natural Foundation. Nor is any Expedient ſo proper for your Majeſty to uſe as this. For,

1. Upon this Foundation the Glory of your Illuſtrious Anceſtors was built. And, *The reaſon of it.*

2. Hereby your Majeſty was recommended to the juſt and rightful Poſſeſſion of the Crown, which at preſent you adorn. Party-taking, Party-making, or Partiality of all ſorts overthrew King *Charles* the Firſt, ſhook the Throne of King *Charles* the Second, and overturn'd the Monarchy under the Adminiſtration of the late King *James*, which by your Majeſty's Affection to the People of *England* was reſtor'd, and by the ſame means is ſtill preſerv'd, and may be advanc'd to as high a pitch of Glory as ever heretofore it had gain'd. For hereby,

1. All the true Ends of Government will be fully anſwer'd.

2. All Factions and Parties will be ſunk and forgotten; there will be no Whig nor Tory, no Jacobite, no Church-party, Court-party, nor Country-party: for the Intereſt of Court and Country will be one and the ſame, which has not been known ſince the Death of Queen *Elizabeth*, and therefore will be wonderfully pleaſing for its Novelty, as well as for its Profitableneſs.

3. Virtue and Honeſty, which have been much decay'd of late years, will be encourag'd and reſtor'd. For no Man can pretend to recommend himſelf to your Royal Favor, but by advancing the Deſign which your Majeſty openly does encourage.

4. Hereby your Majeſty will gain ſuch a Credit with your People, as by virtue thereof very much to increaſe the Wealth and Strength of the Nation in a ſhort time. And your Majeſty's Revenue muſt neceſſarily bear a ſutable proportion to the Trade of your Subjects; ſo that he who commands the Trade of the World, will conſequently command the Wealth of the World. And,

5. Hereby you may be able to follow the two great Maxims of Queen *Elizabeth*'s Reign, which were,

1*ſt*. To be the Head of the Proteſtants all over the World. And,

2*dly*. To keep the Ballance of *Europe* equal and ſteddy.

And thus the Glory of the *Engliſh* Monarchy under your Majeſty's gracious Adminiſtration will be the Terror of others, and the Delight of all *Engliſh* People; which is the ſincere Deſire of

Your Majeſty's moſt faithful, dutiful

and humble Subject and Servant.

The

The Danger of Mercenary Parliaments, first printed in the Year 1698.

1. SEVERAL Treatiſes have been formerly written, and more (I doubt not) will be in this Juncture publiſh'd, with Directions and Informations to the People of *England* for chuſing fit and proper Repreſentatives for the enſuing Parliament, wherein ſufficient notice will be taken of the Failures and Defects of ſeveral who have already been entruſted in that Service, and the due Qualifications of ſuch who are now to be elected. I ſhall therefore confine my preſent Thoughts only to one particular Head, which yet, in my Opinion, ſeems to involve in it the inevitable Fate of *England*, which wholly depends upon the choice of Members in the next Seſſion of Parliament: I mean *the chooſing or refuſing of ſuch Perſons who are now poſſeſt of any Places and Preferments, depending upon the Gift and Pleaſure of the Court.* If herein my Endeavours prove unſucceſsful, I ſhall have nothing left but the ſatisfaction of my own Conſcience to ſupport me under the deplorable Conſequents and Effects which muſt neceſſarily attend the choice of a Houſe of Commons, fill'd with Officers and Court-Penſioners. This is the laſt ſtruggle and effort the People of *England* have left them for their Properties; and ſhould we now miſcarry in this, we may ſit down and idly ſhew our Affections for our Country, and fruitleſly bewail the Loſs of our Liberties, but ſhall never meet with another Opportunity of exerting our ſelves in its Service. That I may therefore ſet the Minds of People right in this Particular e'er it be too late, I think it will be only neceſſary to ſhew the danger of chuſing Members that are in Places from two Conſiderations: Firſt, From the nature of ſuch a Parliament conſider'd in it ſelf: And, ſecondly, From what has already been done by Parliaments ſo qualify'd. In both which I ſhall be very brief, and content my ſelf with much fewer Arguments than might be urg'd upon this Subject: For I ſhould almoſt deſpair of being ſurviv'd by the Liberties of *England*, if I could imagine there was a neceſſity of ſaying much in a caſe not only of ſuch irreſiſtible Evidence and Demonſtration, but alſo of the utmoſt Concern and Importance to us.

Chuſing of Perſons in Offices to be Parliament-Men conſider'd.

Nature of a true Parliament.

2. Firſt then, We ſhall beſt be able to underſtand the nature of ſuch an ill-choſen Parliament, by comparing it with a true one, and with the original deſign of Parliaments in their Inſtitution. I hope it need not be told that they were at firſt intended for a Support to the King's juſt Prerogative, and a Protection to the Subjects in their as juſt Rights and Privileges; for maintaining all due Honour to the Executive Power, and all ſutable Reſpect and Encouragement to thoſe who are intruſted with the Adminiſtration of the Laws; for a Poiſe and Ballance between the two extreme contending Powers of abſolute Monarchy and Anarchy; for a check and curb to inſolent and licentious Miniſters, and a Terror to ambitious and overgrown Stateſmen; for giving their Advice to his Majeſty in all matters of Importance; for making neceſſary Laws to preſerve or improve our Conſtitution, and abrogating ſuch as were found burdenſom and obſolete; for giving the King Mony for defraying the Charges and Expences of the Government, or maintaining a neceſſary War againſt Foreign and Domeſtick Enemies; for examining and inſpecting the publick Accounts, to know if their Mony be apply'd to its true Uſe and Purpoſes: In ſhort, for the beſt Security imaginable to his Majeſty's Honour and Royal Dignities, and the Subjects Liberties, Eſtates and Lives.

Of an ill-choſen one.

3. This being the nature and true deſign of a Parliament, let us now ſee whether a Houſe of Commons, full of Officers and Court-Penſioners, will anſwer thoſe noble and laudable Ends of their Conſtitution. And here indeed I begin already to be aſham'd of my Undertaking; the proof of the Negative is ſo ridiculous, that it looks

looks too much like a Jeſt to ask any one in his Wits, Whether a Parliament fill'd with Delinquents will ever call themſelves to an account, or what account would be given if they ſhould? Whether an Aſſembly of publick Robbers will ſentence one another to be puniſh'd, or to make Reſtitution? Whether it is poſſible our Grievances can be redreſt, that are committed by Perſons from whom there is no higher Power to appeal? Whether there is any hope of Juſtice where the Malefactors are the Judges? Whether his Majeſty can be rightly inform'd in Affairs relating to himſelf or the Publick, when they are repreſented to him only by ſuch Perſons who deſign to abuſe him? Whether the publick Accounts will be faithfully inſpected by thoſe who embezzle our Mony to their own uſe? Whether the King's Prerogative can be lawfully maintain'd by ſuch who only pervert it to their own ſiniſter Ends and Purpoſes? Whether a Parliament can be a true Ballance, where all the Weight lies only in one Scale? Or, laſtly, Whether a Houſe of Commons can vote freely, who are either prepoſſeſt with the Hopes and Promiſes of enjoying Places, or the ſlaviſh Fears of loſing them? Methinks it is offering too much violence to human Nature to ask ſuch Queſtions as theſe; I ſhall therefore leave this invidious Point.

4. Yet leſt ſtill any ſhould remain unſatisfy'd, or lull'd into a fond Opinion, that theſe Miſchiefs will not enſue upon the Elections they ſhall make, I ſhall farther endeavour to convince thoſe who are moſt mov'd by the force of Examples, by coming to my ſecond Particular, and ſhewing how Parliaments ſo qualify'd have all along behav'd themſelves. And here I muſt confeſs there are not many Inſtances to be given, the Project of corrupting Parliaments being but of a late date, a Practice firſt ſet on foot within the compaſs of our own Memories, as the laſt and moſt dangerous Stratagem that ever was invented by an encroaching King, to poſſeſs himſelf of the Rights of a freeborn People; I mean K. *Charles* II. who, well remembring with how little ſucceſs both he and his Father had made uſe of open Arms and downright Violence to ſtorm and batter down the Bulwarks of our excellent Conſtitution, had recourſe at laſt to thoſe mean Arts, and underhand Practices, of bribing and corrupting with Mony thoſe who were intruſted with the Conſervation of our Laws, and the Guardianſhip of our Liberties. And herein he ſo well ſucceeded, that the Miſchiefs and Calamities, occaſion'd by that mercenary Parliament, did not terminate with his Life and Reign; but the Effects of them are handed and continu'd down, and very ſenſibly felt by the Nation to this very hour. For it is to that Houſe of Commons the formidable Greatneſs of *France* was owing, and to their account therefore ought we to ſet down the prodigious Expences of the late War: It was by thoſe infamous Members that Mony was given to make a feign'd and colluſive War with *France*, which at the ſame time was imploy'd either in ſubduing the Subjects at home, or oppreſſing our Proteſtant Neighbours abroad: It was this Venal Parliament in effect that furniſh'd the King of *France* with Timber and skilful Workmen for building Ships, as well as expert Mariners, and a prodigious quantity of Braſs and Iron Cannon, Mortar-pieces, and Bullets from the *Tower*; by the help of which our own treacherous King was able to boaſt publickly, and thank God, that he had at laſt made his Brother of *France* a Seaman: By this means the Honour of *England* was proſtituted, and our natural and naval Strength betray'd, with which, like *Sampſon*, we ſhould eaſily have broken all the Cords that *Europe*, or the whole World could have made to bind and enſlave us, had not this Parliament made a Sacrifice of all to the Charms of a *French Dalilah*. To this proſligate and villanous Reign we are to aſcribe the loſs of all the conſiderable Charters of *England*, the deaths of our beſt Patriots, the encouragement and almoſt eſtabliſhment of Popery, the decay of Trade, the growth of arbitrary Power, the ill effects of diſhonourable Leagues, the ſhutting up of the Exchequer, the progreſs of all ſorts of Debauchery, the ſervile Compliances at Court of a rampant Hierarchy in the Kingdom, the inſolent Deportment of the inferior Clergy both in the Univerſities and elſewhere, their ſlaviſh Doctrine of Paſſive-Obedience and Non-reſiſtance; in ſhort, a general depravation of Manners, and almoſt utter extirpation of Virtue and moral Honeſty. Theſe and all the other Miſchiefs of that Reign are juſtly chargeable to the account of that penſion'd Parliament, who either were the immediate Authors, or the undoubted Cauſers of them: who, tho they ſat long and often, and could not be ignorant of our deplorable Condition, yet having their Eyes blinded with the duſt of Gold, and their Tongues lock'd up with Silver Keys, they durſt not cry out for the reſcue of their Country, thus inhumanly raviſh'd in their very preſence. It will not conſiſt with my deſign'd Brevity, nor

Corrupting of Parliaments but of late date.

Inſtance in K. Ch. II.

French *Meaſures follow'd.*

nor is it here neceſſary to give the Reaſons that induc'd the Court to diſſolve that Parliament; nor ſhall I take any further notice of their great and fortunate overſight in doing it, nor of their unfeign'd Repentance afterwards for it: I ſhall only obſerve, That if the Nation had been ſo ſenſeleſly ſtupid to have choſen the ſame Members a ſecond time, who were Penſioners in the foregoing Parliament, we had long ago ſuffer'd the diſmal Conſequences of our Folly and Madneſs in ſuch a Choice; nor ſhould we now have had this liberty to warn one another againſt ſplitting upon the like Rocks, and falling down the ſame Precipices. But they were wiſer in thoſe times, and the conſideration of the dreadful Shipwreck they had ſo lately eſcap'd, made them chuſe Pilots of a quite contrary Diſpoſition, who, as far as in them lay, and as long as they were permitted to ſit at the Helm, repair'd the ſhatter'd Veſſel of the Commonwealth, reſtor'd its Honour, reviv'd its drooping Genius, gave force to its Laws, countenance to its Religion, and, in a great meaſure, reduc'd our baniſh'd Liberties, and expos'd the Perſons who ſold them to the univerſal Hatred and Reproach of their Fellow-Subjects; a Puniſhment indeed infinitely leſs than they deſerv'd for the higheſt Crime a Member of Parliament is capable of committing.

Inſtance in K. J. II.

5. As for King *James*'s Reign, tho it was notoriouſly guilty of the Breach and Violation of moſt of our fundamental Laws, which ſufficiently juſtifies our Carriage towards him, yet cannot we ſay that his Miſmanagement is to be aſcrib'd to the corruption of any Parliament ſitting in his time. 'Tis true indeed, he reap'd too much advantage from the Conduct of the brib'd Parliament in his Brother's Reign, and us'd all poſſible Endeavours to procure ſuch another for himſelf, well knowing it to be the moſt effectual means for carrying on his ruinous and deſtructive Projects; yet either from the unſhaken Conſtancy of the People, or want of dexterity in his Miniſters, he was altogether defeated in his Expectation.

6. This miſerable diſappointment of King *James*'s hopes made way for our late glorious Revolution, which was brought about by the hearty Endeavours, and accompanied with the moſt unfeign'd Vows and Wiſhes of all true Lovers of their Country, who from hence expected a full deliverance from their preſent Miſeries, and a ſure remedy for their future Fears: For what Happineſs might not the People well hope for under the Government of the beſt of Kings, ſupported by the beſt of Titles, *viz.* The general Conſent and Election of his People? We were fill'd with golden Dreams not only of a bare ſecurity for our Eſtates and Lives, but an inexhauſted affluence of all manner of Bleſſings a Nation is capable of enjoying. But tho we have dreamt the Dreams, yet have we not ſeen the Viſions. And tho the Nation is by this time ſadly ſenſible how wretchedly they have fallen ſhort of their expected Happineſs, yet are they not at all acquainted with the true Spring and Fountain from whence all their Misfortunes flow, which is indeed no other than that bare-fac'd and openly avow'd Corruption, which, like a univerſal Leproſy, has ſo notoriouſly infected and overſpread both our Court and Parliament. 'Tis from hence are plainly deriv'd all the Calamities and Diſtractions under which the whole Nation at preſent groans: 'Tis this that has chang'd the very Natures of *Engliſhmen*, and of Valiant made them Cowards, of Eloquent Dumb, and of honeſt Men Villains: 'tis this can make a whole Houſe of Commons eat their own Words, and countervote what they had juſt before reſolv'd on: 'tis this could ſummon the mercenary Members from all quarters of the Town in an inſtant to vote their Fellow-Criminals innocent: 'tis this that can make the Parliament throw away the Peoples Mony with the utmoſt Profuſion, without enquiring into the management of it: 'tis this that put a ſtop to the examination of that ſcandalous Eſcape of the *Thoulon* Fleet into *Breſt*: 'tis this that has incourag'd the miſmanagements of the Admiralty, in relation to the loſs of ſo vaſt a number of Men of War and Merchant-Ships, as well as other Miſcarriages, which were by all Men judg'd to proceed not from their want of Underſtanding in Sea-Affairs: 'tis this that has hinder'd the paſſing a Bill ſo often brought into the Houſe for incapacitating Members to bear Offices: 'tis this that could not only indemnify, but honour a leading Member for his audacious procuring and accepting a Grant of Lands, which by the Parliament had been ſet apart for the publick Service; a Vote that ſhall ſtand recorded in their own Journals to the never-dying Infamy of that mercenary Aſſembly: 'tis this could make the ſame Perſon moſt confidently affirm, that he was ſure the majority of the Houſe would agree to what he was going to propoſe: 'tis this that could make Men of peaceable Diſpoſitions and conſiderable Eſtates vote for a Standing Army: 'tis this that could bring Admirals to confeſs that our Fleet under their Command was no ſecurity

Nation's Expectation not anſwer'd by the Revolution.

Miſcarriages in the Admiralty.

ſecurity to us: 'tis this could make wiſe Men act againſt their own apparent Intereſt. In ſhort; 'tis this that has infatuated our Prudence, ſtagger'd our Conſtancy, ſully'd our Reputation, and introduc'd a total defection from all true *Engliſh* Principles. Bribery is indeed ſo ſure and unavoidable a way to deſtroy any Nation, that we may all ſit down and wonder that ſo much as the very Name of a free Government is yet continu'd to us. And if by our wary choice of Members we ſhould happen to recover our antient Conſtitution, we ſhall with Horror and Amazement look back, and reflect on the dreadful Precipice we ſo narrowly eſcap'd.

7. Fatal Experience has now more than enough convinc'd us, that Courts have been the ſame in all Ages, and that few Perſons have been found of ſuch approv'd Conſtancy and Reſolution as to withſtand the powerful Allurements and Temptations which from thence have been continually diſpens'd for the corrupting of Mens Minds, and debauching their honeſt Principles. Such Inſtances of the frailty of human Nature may be given within theſe few years paſt, as might make a Man ever aſham'd of his own Species, and which (were they not ſo open and notorious) ought out of pity to Mankind to be buried in perpetual Silence. Who can enough lament the wretched Degeneracy of the Age we live in? To ſee Perſons who were formerly noted for the moſt vigorous Aſſertors of their Country's Liberty, who from their Infancy had imbib'd no other Notions than what conduc'd to the publick Safety, whoſe Principles were further improv'd and confirm'd by the Advantages of a ſuitable Converſation, and who were ſo far poſſeſt with this Spirit of Liberty, that it ſometimes tranſported them beyond the bounds of Moderation, even to unwarrantable Exceſſes: to ſee theſe Men, I ſay, ſo infamouſly fall in with the arbitrary Meaſures of the Court, and appear the moſt active Inſtruments for enſlaving their Country, and that without any formal ſteps or degrees, but all in an inſtant, is ſo violent and ſurprizing a Tranſition from one Extreme to another without paſſing the Mean, as would have confounded the Imaginations of *Euclid* or *Pyrrho*. All the ſtated Maxims, in relation to the nature of Mankind, which have been long ago ſettled and eſtabliſh'd by Philoſophers and obſerving Men, are now baffled and exploded; and we have nothing left us to contemplate, but the wild Extravagances of romantick Fables, the ſudden Conveyances of nimble-finger'd Juglers, the inimitable Diſpatches of tranſubſtantiating Prieſts, or the now more credible Metamorphoſes of Men into Beaſts.

Deſerters of their Principles cenſur'd.

8. The neceſſity we have lain under of frequent Meetings of Parliament during the War, has taught our Managers ſo much Dexterity and Addreſs in their applications to the Members of that Aſſembly, that they are now become conſummate Maſters in that moſt deteſtable Art of corrupting our Repreſentatives, by Hopes and Fears of attaining or loſing Offices and Preferments. And tho I here name Offices, yet thoſe Offices are downright Bribes and Penſions, ſince they are held precariouſly from the Court, and conſtantly taken away upon Non-compliance with the Court-meaſures; tho I am not ignorant that ſeveral conſiderable Penſions were alſo paid out of the Exchequer to Members of both Houſes: For Places could not be had for all, tho they have try'd all imaginable Arts for dividing among themſelves the conſiderable Poſts in the Kingdom: For either by ſplitting of Offices among ſeveral Perſons, which were formerly executed by one, or by reviving ſuch as were ſunk, or by creating others which were altogether uſeleſs and unneceſſary, or by Promiſes of Preferment to thoſe who could not preſently be provided for, they had made above two hundred Members abſolutely dependent upon them. And what Points might not ſuch a Number carry in the Houſe, who were always ready and conſtantly attending with more Diligence to deſtroy our Conſtitution, than the reſt were to preſerve it? who repreſented not their Country but themſelves, and always kept together in a cloſe and undivided Phalanx, impenetrable either by Shame or Honour, voting always the ſame way, and ſaying always the ſame things, as if they were no longer voluntary Agents, but ſo many Engines merely turn'd about by a mechanic Motion, like an Organ where the great humming Baſes as well as the little ſqueeking Trebles are fill'd but with one blaſt of Wind from the ſame Sound-board? Yet a few of them may in ſome meaſure be diſtinguiſh'd from thoſe pointblank Voters, whom neither their Country's Safety, nor their own more dear and valu'd Intereſt, nor the perſuaſion of their once intimate Friends, nor fear of Reproach, nor love of Reputation could ever prevail to join in an honeſt Point, or diſſent from a Queſtion that carry'd in it the Violation of the Rights and Properties of the Subject. Theſe are the Men who have perſuaded his Majeſty, or rather aſſum'd to themſelves not to fill up any vacant Offices whilſt the Parliament is ſitting;

but to keep all Pretenders in a dependence till the end of the Seſſion, and bind them up to their ill Behaviour, which will then be their beſt pretence to demand their Wages of Unrighteouſneſs: Witneſs the Commiſſion of Exciſe the laſt Seſſion, which was ſu'd for by, and promis'd to above thirty Competitors, who all did their utmoſt to ſignalize their ſeveral Merits for an Office, which doubtleſs will be at laſt divided among thoſe who have deſerv'd worſt of their Country. By theſe means they made their Numbers and Intereſt in the Houſe ſo great, that no Miſcarriage in the Government could ever be redreſt, nor the meaneſt Tool belonging to them be puniſh'd: ſome of which they did indeed take into their own hands, which rais'd in the People a high expectation that ſome extraordinary Penalties would be inflicted upon them; when their deſign at the ſame time was nothing elſe than to protect and ſcreen them from the ordinary courſe of Juſtice. Such is now the difference in point of Corruption between a Common Jury, and the Grand Jury of the Nation! Such a mutual Aſſiſtance and Support have they been to one another in the ſeveral Miſmanagements of their Truſts: So favourable have they been to their own Creatures, and ſo implacable to thoſe who have any way oppos'd their unjuſt Proceedings; witneſs their ſcandalous partiality in the caſe of *Duncomb*, which I hope to ſee printed at large for the ſatisfaction of the Publick. If it were truly repreſented, I am ſure there needs nothing more to excite in the People a univerſal deteſtation of their Arrogance and Injuſtice. And yet do theſe Apoſtates pretend to value themſelves upon their Merit in contriving that moſt deſtructive Project of Exchequer Bills, by which all impartial Men muſt either think they notoriouſly diſſemble with us, or that they have indeed loſt their Senſes when they ſpeak of publick Service; the word is ſo unbecoming in their Mouths, and ſo awkerdly pronounc'd, that they ſeem not to breathe in their own Element when they uſurp the Name. Theſe are the Men who have endeavour'd to render our Condition hopeleſs, even beyond the power of the King himſelf to relieve us: For tho his Majeſty be deſervedly lov'd and honour'd by his People for his readineſs to do them Juſtice, and eaſe their Oppreſſions, yet can we not expect it from him whilſt he is thus beſet and ſurrounded, and his Palaces inveſted by theſe Conſpirators againſt his own Honour and the Welfare of his Kingdoms. The only remedy therefore that remains, is, to chuſe ſuch a Parliament who lie under no Temptations, and are acted by no other Motives than the real and true Intereſt of his Majeſty and his Dominions; a Parliament that will fall unanimouſly upon publick Buſineſs, and be free from thoſe petty Factions and perſonal Piques which in the late Seſſion ſo ſhamefully obſtructed and delay'd the moſt important Service of the Commonwealth.

The unjuſtifiableneſs of ſuch Actions.

9. If it ſhould be pretended, that the Nation is yet unſettled, and the fear of King *James* has forc'd them upon theſe extraordinary Methods for their own preſervation: I anſwer, That no Cauſe whatſoever can be juſtly alledg'd in vindication of ſuch vile Arts and pernicious Practices. But I would further ask them, What neceſſity there is upon that account for their gaining ſuch prodigious Eſtates to themſelves in ſo ſhort a time, and in ſo mercileſs a way, when the Nation was rack'd to the utmoſt by Taxes in a long and expenſive War? Is it the fear of King *James* that has brought ſuch a Reproach upon our Revolution, as if it needed to be ſupported by ſuch mean and unjuſtifiable Practices? Is it the fear of King *James* that makes us content he ſhould live ſo near us, or that he ſhould be maintain'd at our own Charge of 50000 *l. per annum?* Or has not rather King *James* been made the pretence for the unwarrantable Proceedings of our Conſpirators during the War and ſince the concluſion of the Peace? It is very ſtrange that King *James*, who is but their Jeſt in private, ſhould be thus made their publick Bugbear to frighten us out of our ſenſes like Children; ſo that King *James* muſt be at laſt our ruin abroad, who could not compaſs it by all his Power and Intereſt at home. And in this ſenſe I am of their Opinion, that we are not yet quite deliver'd from the fear of King *James*, who muſt be made the Inſtrument of our Slavery by thoſe very Perſons who pretend their greateſt Merit to conſiſt in delivering us from him. But what is this but making the old abdicated Tyrant a Footſtool to aſcend the Throne of abſolute Power, and a Scaffold for erecting that proud and ſtately Edifice from whence we have ſo juſtly tumbled him down headlong? But 'tis to be hop'd the Nation will be no longer impos'd on by ſuch ſtale Pretences as theſe, and that a well-choſen Parliament will not fail to paſs their ſevereſt Cenſures upon thoſe who would thus jeſt us out of all that is dear and valuable amongſt us: That they will no longer reſemble a Flock of Sheep (as *Cato* ſaid of the *Romans* in his time) that follow the Bell-weather,

weather, and are contented, when all together, to be led by the noſes by ſuch whoſe Counſels not a Man of them would make uſe of in a private Cauſe of his own: That they will at laſt vindicate the Honour of *England*, and imitate their wiſe Anceſtors in hunting down theſe Beaſts of Prey, theſe noxious Vermin to the Commonwealth, rather than ſuffer themſelves to be led in Collars and Couples by one mighty *Nimrod*, who upon the turning up of his Noſe ſhall expect a full Cry of ſequacious Animals, who muſt either join Voices, or be turn'd out of the Pack.

10. Notwithſtanding what I have ſaid, I would not have any of them either really imagine themſelves, or falſly ſuggeſt to others, that I envy them their Places and Preferments; which I am ſo far from doing, that I wiſh they rather had them for the term of their Lives: I deſire only they may be ſubject to the Laws, and to ſome Power on Earth that may call them to account for their Misbehaviours, that they may not be their own Judges, that our ſovereign Remedy may not prove our chief Diſeaſe, and that the Kid may be ſeeth'd in ſomething elſe than its Mother's Milk. Nor would I by any means deny them their Seats in Parliament, provided they are in a condition to ſpeak and act freely, and diſcharg'd from thoſe Temptations which I find they have not Conſtancy enough to withſtand; for after all, I ſtill believe many of them ſo honeſt, that nothing but Mony or Preferments will corrupt them. But if nothing will ſatisfy them but the downright Subverſion of our Conſtitution; if they will be content with nothing but the utter aboliſhing of all Laws, and the rooting up of thoſe Fences and Securities provided by our Anceſtors for the preſervation of all things that are ſacred and eſteem'd among Mankind; it is high time for the Electors to look about them, and diſappoint their unreaſonable and exorbitant Hopes, and to ſpew them out as deteſtable Members of the Commonwealth; not only as unfit to be truſted with their Liberties, but as unworthy to breathe in the Air of a Free Government.

No Security againſt Corruption of Members.

11. If any ſhould ſay, That the alterations in Elections will ſtand us in no ſtead, ſince whoever are choſen will ſtill be bought off and brib'd with Court-Preferments: I anſwer, it will require a conſiderable time to new-model and debauch a Houſe of Commons, nor can it be done but by diſplacing all thoſe who are already poſſeſs'd, to make room for theſe New-comers, which will make the Trade and Myſtery of Bribery more plain, and conſequently more abhor'd. And ſince no Parliament can now ſit above three Years, the Court will meet with freſh Difficulties to interrupt them, which may poſſibly at laſt make them weary of theſe Practices. 'Tis true indeed, this Conſideration ought to make us more circumſpect in our Choice of Members, for tho we ſhould chuſe but an inconſiderable number of Penſioners, yet they will ſoon be able to work over a majority to their ſide: ſo true is the Saying, *A little Leven levens the whole Lump.* Whoever therefore out of any particular Friendſhip, or other Motives of Fear or private Intereſt, ſhould vote for any one Perſon ſo qualify'd; let him conſider, that as much as in him lies, he makes a Complement of all the Liberties of *England* to the inſatiable Avarice and Ambition of Stateſmen and Court-Miniſters. Since therefore we have ſo narrowly eſcap'd our Deſtruction, and one Seſſion more of the laſt Parliament would infallibly have ruin'd our Conſtitution, we cannot ſurely be ſo groſly overſeen as to neglect the Opportunity now put into our hands for avoiding the like hazards in time to come; which may eaſily be done, if the Freeholders and Burghers in *England* will petition and ingage their Repreſentatives to conſent to a Bill which ſhall be brought into the Houſe, to incapacitate all Members for holding Offices and Preferments: or if it ſhould be thought too much to debar them altogether from the Enjoyments of Poſts of Honour and Advantage, let them keep them during good Behaviour, and not otherwiſe; that ſuch Places may not be reſerv'd in ſtore for thoſe who ſhall be from time to time elected, and thereby a continu'd courſe of Corruption be carry'd on ſucceſſively thro the whole Nation, who will in a few years inſenſibly find themſelves ſo univerſally infected with this inſinuating Vice, that we ſhall be thorowly ripe for Deſtruction, and readily expoſe to ſale the Liberties of *England* by Auction to the faireſt Bidder.

The dangerous Grievances.

If it was deſervedly thought one of our moſt dangerous Grievances, that the Judges, who only declare the Law, ſhould hold their Places *ad beneplacitum*: what Condition muſt we be in when our Law-makers themſelves are ſubjected to the ſame Temptations? Or what Advantage have we got by having our Judges Commiſſions for Life, when our very Legiſlature it ſelf is proſtituted to Bribery and ſordid Gain? The fortune of *England* is now brought to the niceſt Point, and there are critical Seaſons, which if neglected, will never again be offer'd; and ſhould we now fail in our Duty to our Country, we ſhall aſſuredly

fall unpitied by the reſt of the World. But if on the other hand we can by our Foreſight and Diligence prevent for the future the bribing and corrupting of Parliaments, it is not to be imagin'd what Security, what Happineſs, and what immortal Reputation will be the never-ceaſing Concomitants of ſuch a Settlement. If the very Rump of a Parliament, even in the midſt of domeſtick Diſcontents, and beſet on all ſides with foreign Aſſaults and Invaſions, were able by that one ſelf-denying Act to maintain the publick Welfare from the Danger of inward Convulſions at home, and violent Concuſſions from abroad; if that ſmall and broken number without any Head, and under ſo many Diſadvantages, could by this only means ſecure our Peace, and ſo widely extend the Repute and Honour of the *Engliſh* Name; what Country or what Region could ever give Limits to the unbounded Reputation of a full and legal Parliament ſo nobly qualify'd? What Nation could there be ſo powerful as to reſiſt our Forces, or ſo politick as to infatuate our Counſels? There is nothing within the compaſs of human Wiſhes that we might not aſſure our ſelves from the Wiſdom and Virtue of ſuch a diſintereſted Aſſembly, headed and incourag'd by the moſt auſpicious Prince that ever yet ſway'd the *Engliſh* Scepter: A Prince who only waits the Opportunity of our own Willingneſs to be happy, and is fir'd with a longing eagerneſs to ſee the Nation deſerve the glorious Effects of his inimitable Conduct, and inexhauſted Beneficence; who only wiſhes a happy Conjuncture of a free and unbiaſs'd Parliament, that he might join with them in the reſcue of himſelf and us from the Oppreſſion of thoſe devouring Harpies, who would tear off the yet green and flouriſhing Laurels from his Majeſtic Brows, and ungratefully caſt a tarniſh upon the Luſter of his bright and ſhining Atchievments: That he might diſſipate thoſe inauſpicious Vapors which have hinder'd him from breaking out in the height of his meridian Glories, and intercepted his benign and noble Influence upon his inferior and dependent Orbs: That he might deliver up to Juſtice thoſe traitorous and inſinuating Paraſites, who endeavour to inſpire into his ſacred Breaſt an unworthy Jealouſy of his People, as if he wanted the aſſiſtance of a Standing Army to ſecure and eſtabliſh to himſelf that Throne which he has already ſo firmly erected in the Hearts and Affections of his Subjects: And laſtly, that he might wholly diſcharge himſelf of thoſe wretched and perfidious Stateſmen, who endeavour to fix the brand of their own acquir'd Infamy upon their Maſter, that they may make him as hateful to one Party for their Vices, as he is already to another for his own Virtues, and deprive him of the glorious Title of the World's greateſt Benefactor, which he has ſo juſtly purchas'd to himſelf by his immortal Performances.

The Advantages of Diſintereſtedneſs.

12. I ſhall conclude with one word, in anſwer to ſuch who may poſſibly think I have reflected too much upon the ſupineneſs and baſe neglect of the People of *England*; as if it were poſſible they could be ſuch monſtrous and unnatural Self-murderers, as to give away with their own Breath and free Conſent all their Rights to their Eſtates and Lives. I confeſs I ſhould be glad to find my Labour loſt upon this account: But I deſire ſuch to conſider, that there are many honeſt and well-meaning *Engliſhmen* who do not diſtinguiſh between our preſent Government, and our preſent way of Governing; whoſe diſtance from the Parliament, multiplicity of Buſineſs, or other Circumſtances in the World, render them leſs able to penetrate the Deſigns that are now carrying on for the total Subverſion of our moſt excellent Conſtitution. And it is plain on the other hand, that the great and unwearied Diligence of the preſent Conſpirators againſt our Government, in order to ſupport their future Elections, does infer their Thoughts, that the Majority of the Electors are capable of being impos'd upon in this groſs and unexampled manner. Since therefore thoſe who are making us Slaves, think it no great difficulty to effect their Purpoſes, I ſee no reaſon why I ought to be ſo tender as to forbear expreſſing my Fears and Apprehenſions of their Succeſs.

Conſide-

Conſiderations on the Nature of Parliaments, and our preſent Elections.

Publiſh'd in the Year 1698.

IT is amazing that a People ſo zealous for their Liberties, ſhould neglect the natural, ſafe, and certain way of ſecuring them, when they have often had recourſe to the moſt violent Remedies, and have run the utmoſt Hazards to ſecure their Property. This is the only Country in *Europe* that enjoys any freedom under a King, and it mortifies any thinking Man when he conſiders in how many ſucceſſive Reigns our Conſtitution has been aim'd at, how precariouſly we hold it now, and how often the Opportunities of a ſecure Eſtabliſhment have been trifled away, when obtain'd by the boldeſt Attempts that were made ſucceſsful by an apparent Providence.

The Reſtoration and Revolution the Work of the People of England.

As the Reſtoration of King *Charles* II. ſo the laſt Revolution was the Work of the People of *England*; nothing could have brought it about in ſo miraculous a manner, but the Weight of the whole Nation in oppoſition to the Conſpirators againſt our Conſtitution. And if the ſucceeding Parliaments (which are call'd the *Repreſentatives of the Nation*) have not eſtabliſh'd by proper Laws thoſe Liberties, and that Government for which the People drew their Swords, it muſt be concluded, thoſe Aſſemblies did not truly repreſent that People.

Whether they have done ſo ought well to be conſider'd; and if they have not, to find where the Fault lay, were a uſeful Diſcovery: And it is highly neceſſary that the Boroughs of *England* ſhould be well appriſed of the preſent Circumſtances of Affairs, and of the Sentiments of Mankind at this time; that by a proper and diſcreet choice they may ſecure at once the Happineſs of their Country, and their own Reputation, which are both in danger.

The Corruption of the Age.

The Opinion of the univerſal Corruption of this Age cannot be conceal'd; it is made evident by thoſe that Elect, by thoſe that are Elected; buying Elections, and ſelling of Votes, are Conſequences. And if this ſhould appear to be the preſent Caſe, ſuch a Houſe of Commons cannot paſs for a Repreſentative of the People, but a Repreſentative of a few diſſolute, mercenary Perſons, poſſeſt of Voices in the Boroughs of *England*. The Conſequences of ſuch Thoughts they will do well to conſider: which muſt induce all true *Engliſhmen* (at a proper time) to ſeek other Methods of being better repreſented.

A Free Houſe of Commons, how advantageous.

When I ſpeak of a natural, ſafe and certain way of preſerving the Liberties of *England*, I mean the ſecuring a free uningag'd Houſe of Commons, conſiſting of the Rich, Honeſt and Able Men of the Kingdom. When the Ballance of the Government went out of the hands of the Nobility and the Churchmen, if a ſufficient Proviſion had been made for this, how happy had we been, and what Miſchiefs and Dangers had been prevented to this Nation? From *Henry* the Seventh to this time, our Annals had contain'd the Names of Princes on the Throne fit to have been the Predeceſſors to our glorious King: But true it is, he muſt have loſt his Title of *Deliverer*, as we had ſav'd the Price of our Redemption; for our Conſtitution would have preſerv'd us from thoſe Dangers and Violences from which he came to free us, and we had not had a whole Generation conſpiring for a hundred Years together (tho in different ways) againſt our eſtabliſh'd Government, when ſworn to ſupport it. If our new Barrier had been well fortified, and if our Repreſentative of the People had been contriv'd to anſwer indeed to the Name, all our Kings had been Queen *Elizabeths*. But our Elections in inconſiderable Boroughs, and our Members being

being qualify'd to ſerve two Maſters, were ſuch Miſtakes in our Fundamentals, that as they have produc'd our paſt Misfortunes, they muſt produce the like under bad Princes, or evil projecting Miniſters.

The Advantages of a good H. of Commons.

A Houſe of Commons choſen truly by the People, incapable of Penſion and Place, and the King and Kingdom had been incapable of Misfortune: they had been out of the reach of all human Power, and, with due ſubmiſſion, above Fate; ſince ſuch a Government would have made us the proper Objects of Divine Protection, and not only have ſecur'd our Greatneſs and Glory, but our Religion and Morals too, which I fear are all going together.

K. J. I. and the D. of B. their Arts.

In ſuch Circumſtances we ſhould have had no cauſe to fear the Scotiſh cunning of K. *James* I. No King of *Scotland* could have made a *Scots* Parliament of ſuch an *Engliſh* Aſſembly. Such a Monſter as *Buckingham*, and upon ſo monſtrous a foot of Favor, could never have grown to ſuch an exorbitant ſize under ſuch a Conſtitution: he had ſoon been prevented in the apparent proſtitution of our Wealth, in his apparent neglect of the Honor and Intereſt of the Kingdom, in his apparent and treacherous dealings with the *French*, and the publick Enemies: His Iniquities had never been ſcreen'd by a Party; in a word, he had not fallen a Victim to a private Hand.

Under ſuch a Government his pious Son had perſued the like Meaſures in vain: His *French* Wife, his ſcandalous Favorites, his unlaudable Biſhops, his own inſolent and unconſtant Temper could never have brought him to the Block: All the Blood ſhed to no purpoſe in thoſe Wars had been ſav'd; he could never have loſt his Life, nor his Kingdoms, he would only have loſt his Title of *Martyr*.

A Ballance neceſſary.

Under ſo juſt a Ballance of Power, as the Sons would have avoided the ill Conſequences of their Father's Fate, ſo would they probably have avoided all the *French* Infection which they receiv'd in Body and Mind: They had not receiv'd (Sons of the Proteſtant Martyr) the *French* Religion, and above all Contagions a *French* Inclination, the moſt fatal Poiſon that could enter the Blood of an *Engliſh* King.

Such a Government would ſoon have diſcover'd the Proteſtant Mask K. *Charles* II. only pull'd off at his death: Such a Parliamentary Conſtitution would not have ſuffer'd the avow'd and open Apoſtacy of the next Heir; the Bill of Excluſion had then paſt, and had prevented the ſetting up and pulling down the late King with ſuch Hazard and Expence to the Nation. Such an Eſtabliſhment would have pre-

K. Ch. II. Practices on the Parliament.

vented the late damnable invented Project of *corrupting Parliaments* (which I muſt mention in this place, becauſe it began at this time) that curſed Project, which defeats all our Hopes, which poiſons us in our Mother's Milk, which murders us by the hands of our Parents, which infects the only Cordial that can preſerve our Being, which makes us acceſſory to our own Fate, betray'd by thoſe we chuſe to repreſent us, made Slaves by our Protectors, and given up by thoſe elected to defend our Liberties (but of this, and the terrible Conſequences I ſhall take farther notice.) Such a Conſtitution would have prevented that Inundation of Profaneneſs, Leudneſs and Immorality, introduc'd by K. *Charles* II. and his Atheiſtical Wits, to fit the Nation for the intended Yoke of Popery and Slavery. To that end was all Learning and Virtue exploded in his Reign, ſcorn of Religion, contempt of a publick Spirit, deriſion of Letters; and a pretending Wit above Rule, Learning or Scruples, being the ſure and only Recommendations to his Favor, and publick Imployments. No Government but muſt leave Mankind, as the Deity does his Creatures, in a ſtate of Free-will, and therefore in an exerciſe perhaps of private Vices, or conceal'd Villanies: But in ſuch a true *Engliſh* Eſtabliſhment we had never ſeen a rampant *French* Whore openly governing our Councils; we had not ſeen an *Engliſh* King (well underſtanding Seafaring Matters) an open Inſtructor to his Brother of *France* in the Myſteries of Navigation, Building and Trade.

Neceſſity of the Concurrence of the Intereſt of King and People.

And to evince, as I go along, the Intereſt of King and People equally to ſubſiſt in a ſteddy, good, and incorruptible Adminiſtration, the elder Brother had never died an unnatural Death in ſuch a well regulated Proteſtant State, as would not have admitted of a bigotted, headſtrong, Popiſh Succeſſor. But let us leave this artful King, trick'd in his Tricks, outwitted by ſuch a Brother, plotted againſt by his Son, unpitied by his Subjects, tho making way for ſuch a Succeſſor, abandon'd at laſt by his Biſhops, and with nothing to ſave him from a future Account, but Extreme Unction from the Prieſts of the Whore of *Babylon*.

And now to the laſt, and in my opinion the beſt of the wicked Reigns; for the Project of a Standing Army under a Popiſh King, did but haſten our Deliverance, as did the Expedient of an Heir under a Belly of Clouts. The Son muſt really be got,

got, and the Army muſt be Proteſtant, I do not ſay really ſo, for the Name will do. But I ſhall ſay leſs of the living Prince, becauſe of his Misfortunes. He lives, and without a Crown, which is Puniſhment great enough for Follies having the Excuſe of Conſcience, and Miſtake. Yet I can hardly contain when I remember he is the Cauſe that all Mankind have been getting our Wealth, while our own Recompence is, that we have got rid of himſelf. However I forgive him all the reſt, but having left behind that worſt of Evils, *a Pretence to a Proteſtant Army in a good Reign, and in times of Peace:* and I will only lay to the charge of his Brother of bleſſed memory, *all the Miſchiefs ariſing from corrupt Parliaments.*

The Ill of a Standing Army in time of Peace.

Now to this great Point, and our moſt preſſing Danger, and the preſent and future Remedies of them. I have hitherto been ſhewing what Violences, what Infamies, what Follies, an uncorrupted Parliamentary Conſtitution would have prevented; which evinces ſufficiently what we have to expect in future Times, if a ſecure Settlement be not obtain'd under a good King againſt the notorious increaſe of Corruption in our Age. It is now come to ſuch a height, that it may almoſt be ſaid, A wiſe Prince muſt comply with it: for as in a weak and low Condition, the Phyſician muſt not apply the proper Remedies till the Patient has ſtrength to bear it; ſo in our low and corrupted State, when Patriots muſt be hired to ſerve their Country, when *Whigs* go reſty without Penſion or Place, and begin with untimely barking againſt the Government in War, to conclude with proſtitute bawling for it after a Peace; I ſay, when this is our Caſe, when effectual Laws have recover'd our Conſtitution, it muſt be confeſt, our Princes have an Excuſe for practiſing the baſe Arts of Corruption, eſpecially in times of eminent Danger, which allow of no Delays. This makes it plain that among Men, Lawyers muſt not only ſeek for coercive Honeſty; and Legiſlators remembring that moſt neceſſary part of the moſt perfect Prayer, *Lead us not into Temptation*, ſhould have that principally in view for King and People, that neither be led into it. No Emperor but envies the leaſt Bird upon the Wing; but ſince flying is impoſſible, the great Vicegerents of God upon Earth are content to walk upon two Legs with common Porters; and either Kings muſt drop from Heaven, and then let them be *Jure Divino*, or Mankind muſt be Slaves, unleſs they provide ſuch happy and irreſiſtible Laws as may reſtrain the love of Power, as well in Kings as Stateſmen. I will only deſire the Example may be given me, of the beſt of Kings ſucceeding a bad one, who ever made it his Choice to give up any Authority or Acquiſition, tho obtain'd by his Predeceſſor by means he would not have practis'd himſelf. Since then the Evils of bad Princes are permanent, and the good Eſtabliſhments of juſt ones often overthrown by thoſe that are Arbitrary, what Methods for the good of Mankind and Society, but to find Chains ſtrong enough to bind a Tyrant, which can only be made here in *England*, when a good King with upright Miniſters beats the Anvil, and uncorrupted Parliaments find Fire and Materials?

Reformation deſir'd now or never.

The higheſt Compliment I can make this King, is to ſay, This is the Time for ſo glorious a Work, and we have great reaſon to expect his utmoſt Aſſiſtance: for in truth, Deliverance and Reformation are his very Title. There is this unanſwerable Argument to prove it muſt be now or never: Some Infections muſt be checkt in time, or Remedies will come too late; and I am ſure we muſt flux now, or never expect to ſee a ſound Noſe on the face of the Government. Such a precarious Peace as we have obtain'd, is hardly a Bleſſing: but becauſe it ſets Parliaments at liberty to ſettle our ſhatter'd State, let no time be loſt then, when we are ſo inſecure of its laſting. But as I would willingly give ſome Hints that may be ſerviceable at all times in the great Cauſe of Liberty, ſo I ſhall take notice, and that only from Obſervations of the laſt Reigns, what are the moſt dangerous Symptoms threatning a People with loſs of Liberty: And when moſt of thoſe Circumſtances concur at once (any one of which does threaten Ruin) then I need not ſay a Government is moſt in danger, and that the ſpeedieſt and ſtrongeſt Antidotes ſhould be provided againſt the influence of ſo many malignant Conſtellations join'd together.

K. J. I. his Character and Practice.

To begin then with what the Reign of K. *James* the Firſt will afford us: The moſt dangerous Circumſtance that could attend a Nation, was a reaſonable Obligation to ſet upon the Throne a Prince born and bred up in another Country, who muſt retain a Foreign Heart, who muſt be partial to the People, to the Cuſtoms of his native Land; who muſt therefore be unacquainted with the Men, Manners, Privileges, and Laws of thoſe Territories he is newly come to govern. This Partiality is natural, and for that reaſon juſtifiable; and therefore as it ſeldom happens but that Princes tranſplant themſelves to a richer Soil (as was the Caſe of K. *James*)

ſo

ſo the Wealth of the more opulent Nation muſt always be proſtituted to raiſe and ſupply the Favorites of the poorer; and 'tis all can be expected, that they be not rais'd by haſty and unmerited Favors: Beſides, 'tis almoſt impoſſible but the Intereſts of the two Nations or People muſt interfere, if he retains the Juriſdiction of both, as this *Scotch* Prince did. How perplext muſt the beſt of Kings be in his divided Thoughts and Inclinations? and where, and to whom muſt Nature and Education incline him? It may happen, as in this Caſe, that the unforc'd Conſtitution of one Country allow'd a greater Power, and greater Prerogatives than were conſiſtent with the Laws of the other. How ſhall the Spirit of a Prince brook the refuſal of that in one place, which he was us'd to the ſubmiſſion to elſewhere? How can he eaſily change a Bent created perhaps by Nature, and confirm'd by Cuſtom? In one Country requir'd to head Armies, in another oblig'd to encourage Fleets: In one Country Troops are the ſupport of Mens Property, in the other they muſt prove the ruin of their Liberties; this diſtinction Princes cannot eaſily make. Religion too, the great Guide of Mens Actions, or at leaſt their Pretence, differs almoſt in all Countries, even where it agrees in Name: and we know by bloody Experience, how little the Proteſtant Religion of the *Scots* did agree with our Epiſcopacy. Innumerable are the Miſchiefs ariſing from ſuch a Circumſtance; but I confine my ſelf only to what were the apparent Dangers in the Caſe before us.

Practice of Ch. I. Another dangerous Symptom appearing in the Reign of King *Charles* the Firſt, was this, That all his Arbitrary Deſigns were carried on, and diſguis'd under the Mask of the moſt preciſe Piety. Such impious Projects as aroſe from Inſolence and Pride, that were carried on by breach of Faith, that tended to the effuſion of the beſt Blood in the Nation, were always tranſacted in Forms, with Faſting and Prayers. As his Shipmony was maintain'd by his Judges, ſo were all his other Expedients to inſlave the Nation preach'd for by his Church, and labor'd for by his Biſhops.

K. Ch. II's Character. Another threatning Circumſtance was, the Advantage with which King *Charles* the Second came to the Throne. The Nation was then intoxicated with Joy; and he made as ill uſe of that Opportunity, as *Noah*'s Daughters did of their Father's Drunkenneſs; as they went in to him, ſo he got in to his People, and with all ſly Arts and Corruption began the fatal (well-improv'd) Project of *bribing Parliaments.* And that none might have a Scruple of Conſcience againſt this higheſt of Crimes, betraying their Country, Religion in his time was the Jeſt of his Favorites: but for himſelf, he had a different one ready for every Nation and ſort of People he had to do with; a Papiſt in *France*, a Presbyterian in *Scotland*, a Churchman in *England*, a Quaker with *Penn*, an Atheiſt with *Halifax.* A moſt dextrous practice this in all Princes that perſue it, who thus eaſily impoſe on good People willing to be deceiv'd.

Danger of a Standing Army. Another certain Warning of enſuing Miſchief (the very Porpoiſe before the Storm) is a Standing Army; which tho it prov'd unſucceſsful in King *James* his Time, yet it immediately preceded his Intentions of ſubverting all our Laws, Human and Divine. He thought his Project as infallible as his Pope, when ſo many of his Troops were Papiſts and Foreigners; being ſecure too of Ships from abroad to tranſport more Strangers when wanted. But all this was ſpoil'd with one word, Popery. Heaven had in ſtore an Antidote againſt a Popiſh Army, pray God preſerve us at all times from a Proteſtant one.

Now having recapitulated all theſe Circumſtances of approaching Ruin, which we ſo narrowly eſcap'd in the foregoing Reigns, what would become of us if theſe Difficulties ſhould bear upon us (as in a Hurricane) all at once? Whenever they do, well may the Nation fear their impending Fate. Yet after all I ſay, a free uncorrupted Parliament would ſoon diſpel theſe Clouds. Under ſuch a Government as I have mention'd, King *James* the Firſt had been compel'd to have made uſe of *Engliſh* Councils in governing an *Engliſh* Nation: he had been oblig'd to have provided for his *Scots* Favorites out of his *Scotch* Revenue: He had no doubt been ſupply'd with the Mony of *England*, but forc'd to have laid it out for the Honor and Intereſts of that People. Suppoſe the Nation prepoſſeſt for him as they were for King *Charles* the Second, reliev'd from long Wars, from Confuſion, from *Cromwels* and Uſurpers; ſuch a Parliament would not then have ſat ſtill in idle Rejoicing, but wiſely have prevented the Cauſes of future Mourning: Nay, give him the Standing Army of the unfortunate Prince of his Name (let it be a Proteſtant one too) yet ſuch an Aſſembly, with their ſteddy Wiſdom and Vigor, would have

reſcu'd

reſcu'd their Country from all theſe Dangers. All I can allow, but the Circumſtances of King *Charles*'s corrupted Parliament: for the Incorruption of that is my only Remedy to all other Evils; when that falls out with the reſt, there is nothing left but for honeſt Men to ſhow the Nation the Precipice upon which they ſtand: And much may be expected from ſo brave a People, when wak'd out of their Lethargy, and well appris'd of their Danger. I ſhall conclude this part with the Queſtions of King *James* the Firſt upon his acceſſion to the Throne, *Do I make the Biſhops? Do I make the Judges?* If to this he might have added, *Do I make the Houſe of Commons?* To ſuch fatal Interrogatories the Anſwer is too plain.

K. J. I. his Queries.

Having treated (and with a Freedom an *Engliſhman* may well take) of the Circumſtances of the laſt Reigns, I come to a Subject with more difficulty to be handled. What the People and Parliament have to do at preſent may well be gather'd from the foregoing Conſiderations; yet I muſt ſay ſomething of the Revolution, and what has hapned ſince, were it only to acknowledg the Obligations we owe to our preſent King. The Oppreſſions and Dangers from which he reliev'd us were ſo grievous, and the Advantages we might have procur'd our ſelves by his coming were ſo great, that we owe him the utmoſt Gratitude, not to be overpaid by any thing but by ſuch a confidence in his Virtue, as (forgetful of Times paſt and to come) ſhould make us neglect the Opportunity he has given us of ſecuring to our ſelves, the never being ſo much oblig'd to any other. This were the worſt Requital we could make him, to let it be poſſible by our Negligence, that any Perſon ſhould ever rival him in his glorious Title of *Deliverer*.

What is our expectation from the Parliament.

Our preſent King has now the ſame Game he has all his Life been ſucceſsfully purſuing abroad, and the ſame Buſineſs he has been bred up to in other Countries; but he has now other Tools to work with, a divided and corrupted People. His Declaration aſſures us, he came to ſecure our Conſtitution, ſo as no ill Prince, no evil Miniſters ſhould be able to violate it for the future. I ſhall not now repeat what he has done in Perſon towards all this; it were unneceſſary Flattery to repeat Actions done in the face of the Sun: but my Buſineſs at preſent is to conſider what has been deficient; and, as I propos'd at firſt, to give ſome Hints where the Fault lies, and how it came about that we have been expos'd to ſuch Hazards, and are yet unſecure; and this to the end the Scene of his great Life may be perfected, and his Promiſes made good to us, in an Eſtabliſhment ſecur'd againſt future Attempts.

I muſt confeſs I cannot wholly acquit the Convention, and other following Parliaments. I doubt all the unneceſſary Hazards to which we have been expos'd, all our unſucceſsful Undertakings, all the miſgiven and miſpent Treaſure, all that is deficient, or left undone to the compleating our Security, muſt in a great meaſure be laid to their Charge. It is well known, many in Pamphlets, more in Diſcourſe, accuſe them both of Weakneſs and Corruption: But they ſhould conſider that ſuch a War was what never came afore into the hands of a Parliament; the Dangers and Difficulties ſucceeding and increaſing from Year to Year, were enough to amaze and diſtract the greateſt Aſſembly. I ſhall be far from paſſing ſo hard a Judgment on them: my only wiſh is, if they have done well, that they may never do otherwiſe; if they have committed Errors, the like may never happen. My Ambition is their Glory; only out of Zeal to their Honor, I ſhall take notice of ſome Complaints made by others; and from my ſelf take the liberty to ſay, that this enſuing Parliament made free by a happy Peace, muſt make the Nation ſo for ever, or for ever loſe their Reputation.

This is the Time in which Parliaments ſhould exert themſelves for the Nation's Happineſs, and their own Fame. All Mankind have obſerv'd, this is the ſecond Revolution unimprov'd by Parliaments in the ſame Age; the one as ineffectual to the good of *England* in the hands of Patriots, Whigs and Diſſenters, as the other was in the hands of Cavaliers and Churchmen: Which makes Men apt to conclude, the Fault lies in that part of our Conſtitution on which we moſt rely. And the common Reaſon given by all why Parliaments have miſmanag'd, is, that they are ſo manag'd themſelves: They do not only ſuppoſe them ſubjected to the Power of Kings, to the Influence of great Men, to the Arts of old and crafty Stateſmen, but accuſe them now of being led by beardleſs Politicians, by upſtart Prentices in Buſineſs, neither ſupported by Fortune, Dignities or Experience, and only buoy'd up by projecting Inſolence. If this were the caſe, to what are we reduc'd? This is not *Phaeton* unfortunately conducting the Horſes of the Sun, but a Carrier driving Pack-horſes and Beaſts of Burden, which jog on their appointed Stages for their Penſions.

Great hopes from this Parliam.

The propos'd limits of a Sheet, and not the Subject, confine me; and therefore I ſhall repeat but one Objection made to the Wiſdom of our National Aſſemblies, which is, that the Members of a Convention freely choſen, brought together at this Revolution, and miraculouſly deliver'd from the higheſt Oppreſſions, ſhould admit of the old Underminers of our Liberties for the new Managers of Reformation: and this I may ſay as to their Integrity, Who would have admitted of ſuch Corrupters, but to be corrupted?

It may very well be ſaid to the juſtification of ſome; When there was no Government, no Miniſters, no Mony, no Privy Purſe, who could influence? It muſt be confeſt (and here is the fatal Error) if there was Corruption it was from within: Nay it is plain, they muſt bribe themſelves, and only with Hopes and Expectations; they were qualify'd by the Conſtitution to have Places, every Fool was well qualify'd in his own Thoughts, and every Knave betray'd his Truſt and his Country to make himſelf worthy.

Men have not only alter'd in our Times, but Parties have chang'd their Principles and Practices: If ſo, what Cautions can be great enough in ſuch an Age? I come therefore to thoſe Conſiderations, what wiſe and honeſt Men ſhould do in this critical Juncture. I ſhall propoſe preventing Phyſick, ſafe, were there no preſent Diſeaſe, were there no Corruption in our Land, were all upright from the Lord to the Commoner; yet I doubt the Golden Age would not ſucceed, were all wiſe as *Solomon*, and after God's own Heart as *David*: we know the Follies committed by the one, and the Impieties by the other; let no Man depend too much upon himſelf, let no Government depend upon Men. Preſumption is the higheſt Sin, and Prevention the higheſt Wiſdom.

I doubt not but ſome will think, and more will ſay, I have writ a tedious Preface to a very ſhort Treatiſe; that without ſo much Repetition, without enumerating ſo many Diſeaſes, and times of Infection, I might ſooner have given my ſhort Receipt, which is this: *Good People of* England, *elect thoſe to repreſent you this Parliament, who moſt probably will ſecure your being truly repreſented for ever.* In other words, *Thoſe who have Virtue enough to incapacitate themſelves from any Service but that of their Country, while they take that Truſt upon them.*

Rich men to be choſen.

Now towards making ſuch a Choice, my Inſtructions ſhall be as ſhort as my Advice; *Chuſe Rich Men.* For you may know who are Rich, and cannot know who are Honeſt: One you think honeſt may take Mony, but one that is Rich does not want it. Let no Character of Party recommend or prejudice: Poor Whigs, poor Tories, want equally Places, and will act alike to get and keep 'em; but be ſure if they want Mony much, they have not much Ambition. Therefore avoid the younger Sons of Lords, who full of Pride, with empty Pockets, will endeavor, at the Nation's Coſt, to become rich Commoners. It is needleſs to adviſe againſt thoſe whoſe Actions have diſcover'd them in foregoing Parliaments, thoſe worſt of Villains, who began like Patriots, to conclude like Paraſites.

Thus I conclude, like a Quack, undertaking my Remedy ſhall cure all Diſtempers, whether they lie in the Heart or in the Brain. No matter what ſort of Men conſpire, whether the bold Projects (flaming like Comets in the Sky) threaten Multitudes, or whether the ſofter Methods, like Mines underground, work hidden Miſchief. Such a National Aſſembly, under the Qualifications I have mention'd, would repel the *Baſhaw*, and defeat the Courtier, and prove ſtrong enough to ſecure us from the moſt dangerous Deſigns, thoſe dreſt up with Zeal, and diſguis'd by Improbability. Such a Parliament would ſecure us from *Religious Leudneſs*, *Proteſtant Arbitrarineſs*, and *Parliamentary Slavery*.

Conſide-

Conſiderations upon the Choice of a Speaker of the Houſe of Commons in the approaching Seſſion.

Firſt printed in the Year 1698.

EVERY Man who has at any time ſat in the Houſe of Commons, muſt be ſenſible, that the Choice of a Speaker is a matter of the greateſt Importance with relation to the Freedom of that Houſe: and if Liberty be there deſtroy'd in the Root, it cannot ſurvive in the Branches. For this reaſon, as is well obſerv'd in the King's Declaration, when Prince of *Orange*, The evil Counſellors of the late Reign thought the ſureſt Method to inſlave us was, by undermining the Liberty of Parliaments: And one ſtep which ſuch evil Counſellors have always made in that execrable Attempt, has been by Places, Bribes and Penſions, to take off the Speaker, well knowing that the Freedom of that Houſe depends in a great meaſure upon their Speaker, as our Laws and Rights depend upon that Houſe.

No Slavery in E. but by a corrupt Parliament.

A Man may eaſily foreſee, that whenever Slavery ſhall be intirely fix'd in *England*, as it is among almoſt all our Neigbours, it muſt be done by a corrupted Parliament eſtabliſhing a Standing Army: by which means this Kingdom will feel the Effects of Tyranny from that Place which ought to be the Source of Liberty.

Upon this Foundation my Lord *Burleigh* grounded his Maxim, *That* England *can never be thorowly ruin'd but by a Parliament.* And I am ſure a Parliament can never be more thorowly fitted to ruin *England*, than when by the influence of many Members brib'd by Places of Profit, and Penſions, a Speaker ſhall in ſome future Reign be put into the Chair, to whom thoſe that are his Friends can allow no other Character than Confidence and Dexterity; and that Character, thoſe who ſhall then oppoſe him, will not deny to him.

Such a one may be granted to be an able Man; but thoſe Abilities in that place the Nation may juſtly dread.

Objection from the Importance of the Speaker.

Can it with any Colour of Reaſon or Prudence be ſaid, *That there is no danger, let the Diſpoſition and Obligations of the Speaker be what they will: He is but a ſingle Man; and beſides does not determine Queſtions?* 'Tis true, the ableſt General alone, and without Troops, is inſignificant: But when regulated and well paid Forces have a bold and skilful Leader at their Head, they muſt conquer; eſpecially if thoſe they encounter be an undiſciplin'd Militia juſt brought out of their ſeveral Counties.

Mankind can judg of few things otherwiſe than by outward Appearances, which are often deceitful. This is the Cauſe, and may be alſo an excuſe, if former Parliaments were diſappointed in their Speaker, whoſe Frailty, after he was choſen, may have been overcome by the Gifts and prevailing Courtſhip of the Miniſters of State. But ſurely the Majority of a Houſe of Commons will never chuſe one to be their Speaker, whom they find (if the Expreſſion may be pardon'd) already debauch'd, and once rejected on the like Occaſion.

This as it will be the firſt ſtep, ſo is it of the higheſt Conſequence; for an Error here, like one in War, can never be retriev'd: And undoubtedly 'twill be thought a very ill Omen of what may be expected from this Houſe of Commons, if they ſhould ſo unfortunately ſtumble at the Threſhold.

Formerly the Speaker went not to Court.

It has been criminal formerly in a Speaker of the Houſe of Commons to go to Court: but the Duty of the Office of a Lord of the Treaſury muſt bring him there, and under the greateſt Temptation of Compliance to every thing

that is demanded. Nor will the ill effect this may have upon the Liberty of Parliaments ſtop here; for 'tis moſt certain that ſuch things as are either allow'd or conniv'd at under the Reigns of good Princes, will be made Precedents under the bad.

Freedom of Speech, and other eſſential Orders of the Houſe may probably be endanger'd by one who has declar'd he knows no Order but the Majority: and if he ventur'd to ſpeak ſo plainly, whilſt we may preſume he was aiming at that Honour which ſome would confer upon him, how will he tyrannize with a Majority that he will either find or bring into the Intereſt of the Court, when he is poſſeſs'd of the Speaker's Chair?

Different Truſts inconſiſtent.

There are ſome publick Truſts, that in their nature are inconſiſtent with one another, and ought never to be join'd in the ſame Perſon, being deſign'd to be a check upon each other: and a good Man can neither with Decency nor Honeſty unite ſuch different Truſts in himſelf. But neither Decency nor Honeſty will bound the Ambition of ſome Men.

Caſes objected.

Suppoſe there has been the greateſt Miſapplication of the publick Revenues at a time when the Kingdom is under the extremeſt Neceſſity; is it probable that a Speaker will be impartial, or any way aſſiſtant to the Houſe in an Inquiry after ſuch Miſmanagement, who was a Lord of the Treaſury during the time of it?

Suppoſe a Gentleman was ſixteen thouſand Pounds Debtor to the Crown upon the Revolution, and in a particular Clauſe of the Act of Indemnity procur'd from the Court a Releaſe of that Debt; Can it be expected, that in Enquiries how vaſt Sums have been imbezel'd ſince that time, the Grand Inqueſt of the Nation will be able to make any Progreſs with ſuch a Foreman?

Suppoſe there is a Debt growing every day upon the Nation by Seamen not diſcharg'd, while the Mony given for ſo neceſſary a purpoſe has been diſpos'd of for keeping up an Army that ſhould have been disbanded purſuant to the Determination of the laſt Parliament upon the moſt mature and ſolemn Debates; Muſt not the Houſe expect Interruptions in bringing on that matter, Difficulties in wording, and Delays in putting the Queſtion, from one who in his Station at Court may be perhaps charg'd with adviſing the keeping up of the Army, and in the laſt Parliament was the beſt and moſt artificial Advocate againſt disbanding it at all?

Theſe and many other things of the higheſt Importance to our ſelves and our Poſterity, will fall under the Conſideration of the Parliament in the enſuing Seſſion; it being evident that this time of Peace is the moſt proper, if not the only Seaſon for rectifying Miſcarriages; the Examination and Puniſhment of which, it may be alledg'd, was prudent to adjourn during the War.

If a Great Officer be made Speaker, 'tis the moſt natural thing in the World to believe he will uſe the ſame Arts to keep his Office as he did to get it: And if it be conſider'd how ſeveral Members of our late Parliaments got into the moſt advantageous places of Profit, whom the Court would not have ſeen, nor the Country felt, had they not been firſt Members, it muſt be granted that they were advanc'd not by ſerving the Nation, but the Court.

Let not any Man think this diſtinction of Court and Country Party in the Houſe of Commons to be groundleſs or ill meant: for if ever a Parliament was without ſuch a diſtinction, it was when a Court was without ſuch Miniſters; who inſtead of ſerving the Government, ſerve themſelves upon it, at the Expence of their Maſter's Honour, and by impoveriſhing their Country: who inſtead of being qualify'd to render his Majeſty great, and the People happy, ſeem only to be fitted to bring the King, if it were poſſible, into diſeſteem, and to make the Kingdom miſerable. And whereas the Honour, Safety and Strength of the King depend upon having no other Intereſt than that of his People, 'tis his Majeſty's Misfortune to be repreſented by the Actions of ſuch Officers, as if his and the Peoples Intereſt were not only divided, but inconſiſtent. If ſuch as theſe are leading Men in a Houſe of Commons, they give juſt Reaſon to all that love *England*, and have upon Principles of Liberty freely expos'd their Lives and Eſtates for the preſent Government, to make this neceſſary diſtinction, leſt ſome Men ſhould be induc'd to believe that Kingſhip it ſelf is inſupportable, and others that Parliaments are a Burden.

Court and Country Party ſtill in being.

'Tis this Diſtinction muſt preſerve the Honour of our antient Conſtitution of Government, till it may flouriſh under the Influence of a Parliament, in which none or few who have gainful Offices ſhall be Members of the Houſe of Commons. But a Bill to that purpoſe is not to be expected, when a Great Officer is Speaker.

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The Executive Power ought not to be lodg'd in that House, because it would deprive the Kingdom of that which is the noblest and most useful Work of their Representatives, *The calling ill Ministers to account*, and the preserving a steddy Administration in the subordinate Officers of the Government.

Alarms that attend the attacking of Officers.

But in a House of Commons abounding with Officers, if any one of them be attack'd, it alarms the whole Fraternity, and they all engage to bring him off, tho it be by the scandalous way of putting the Question for Candles, and carrying it in the Negative. This was the Case of the Admiralty last Parliament, and may be of the Treasury this Session, if Fortune prove so propitious, that one of their Number be made Speaker. This Point gain'd, the next will probably be to establish the Army, and then to suspend or repeal the Triennial Act.

Nothing can equal such a Choice, unless we could suppose the House of Commons should fix upon some old Prostitute of the exploded Pension'd Parliament in *Charles* the Second's Reign, who has from that time been tricking in the House in so shameful a manner, that the several Periods of his Life may be mark'd out by the Bargains he has made there, when the Court has come up to his price.

His Corruption in that Station has been as notorious as his Ability to do Mischief; for both were extraordinary.

The Speaker's Chair may upon some Accounts be convenient to such a one at this time; but I presume the House will have as little Regard to his Conveniency, as he has had, and will have to the Liberties of his Country.

In a word, if it be expected that Misdemeanors be inquir'd into, beneficial Laws made, and those which we already possess, transmitted to our Posterity, it must be either prodigious Folly, or an unaccountable Fate, if such a Man or a Lord of the Treasury, be chosen Speaker of this House of Commons.

A short HISTORY *of Standing Armies in* England.

Printed in 1698.

The PREFACE.

Common Mistakes as to Government.

THERE is nothing in which the generality of Mankind are so much mistaken as when they talk of Government. The different Effects of it are obvious to every one, but few can trace its Causes. Most Men having indigested Ideas of the Nature of it, attribute all publick Miscarriages to the Corruption of Mankind. They think the whole Mass is infected, that it's impossible to make any Reformation, and so submit patiently to their Country's Calamities, or else share in the Spoil: whereas Complaints of this kind are as old as the World, and every Age has thought their own the worst. We have not only our own Experience, but the Example of all times, to prove that Men in the same Circumstances will do the same things, call them by what Names of distinction you please. A Government is a mere piece of Clockwork; and having such Springs and Wheels, must act after such a manner: and therefore the Art is to constitute it so that it must move to the publick Advantage. It is certain that every Man will act for his own Interest; and all wise Governments are founded upon that Principle: So that this whole Mystery is only to make the Interest of the Governors and Governed the same. In an absolute Monarchy, where the whole Power is in one Man, his Interest will be only regarded: In an Aristocracy the Interest of a few; and in a free Government the Interest of every one. This would be the

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Case of England *if some Abuses that have lately crept into our Constitution were remov'd. The Freedom of this Kingdom depends upon the Peoples chusing the House of Commons, who are a part of the Legislature, and have the sole Power of giving Mony. Were this a true Representative, and free from external Force or private Bribery, nothing could pass there but what they thought was for the publick Advantage. For their own Interest is so interwoven with the Peoples, that if they act for themselves (which every one of them will do as near as he can) they must act for the common Interest of* England. *And if a few among them should find it their Interest to abuse their Power, it will be the Interest of all the rest to punish them for it: and then our Government would act mechanically, and a Rogue will as naturally be hang'd as a Clock strike twelve when the hour is come. This is the Fountain-Head from whence the People expect all their Happiness, and the Redress of their Grievances; and if we can preserve them free from Corruption, they will take care to keep every body else so. Our Constitution seems to have provided for it, by never suffering the King (till* Charles *the Second's Reign) to have a mercenary Army to frighten them into a Compliance, nor Places or Revenues great enough to bribe them into it. The Places in the King's Gift were but few, and most of them Patent Places for Life, and the rest great Offices of State enjoy'd by single Persons, which seldom fell to the Share of the Commons, such as the Lord Chancellor, Lord Treasurer, Privy-Seal, Lord High Admiral, &c. and when these Offices were possess'd by the Lords, the Commons were severe Inquisitors into their Actions. Thus the Government of* England *continu'd from the time that the* Romans *quitted the Island, to the time of* Charles *the First, who was the first I have read of that made an Opposition to himself in the House of Commons the road to Perferment; of which the Earl of* Stafford *and* Noy *were the most remarkable Instances, who from great Patriots became the chief Assertors of despotick Power. But this serv'd only to exasperate the rest; for he had not Places enough for all that expected them, nor Mony enough to bribe them. 'Tis true, he rais'd great Sums of Mony upon the People; but it being without Authority of Parliament, and having no Army to back him, it met with such Difficulties in the raising, that it did him little good, and ended at last in his Ruin, tho by the means of a long and miserable War, which brought us from one Tyranny to another; for the Army had got all things into their Power, and govern'd the Nation by a Council of War, which made all Parties join in calling in* Charles *the Second: So that he came in with the general applause of the People, who in a kind fit gave him a vast Revenue for Life. By this he was enabl'd to raise an Army, and bribe the Parliament, which he did to the purpose: but being a luxurious Prince, he could not part with great Sums at once. He only fed them from Hand to Mouth: So that they found it as necessary to keep him in a constant Dependance upon them, as they had upon him. They knew he would give them ready Mony no longer than he had absolute Necessity for them, and he had not Places enough in his Disposal to secure a Majority in the House: for in those early days the Art was not found out of splitting and multiplying Places; as instead of a Lord Treasurer to have five Lords of the Treasury; instead of a Lord Admiral to have seven Lords of the Admiralty; to have seven Commissioners of the Customs, nine of the Excize, fourteen of the Navy Office, ten of the Stamp Office, eight of the Prize Office, sixteen of the Commissioners of Trade, two of the Post Office, four of the Transports, four for Hackny Coaches, four for Wine-Licences, four for the Victualling Office, and Multitudes of other Offices which are endless to enumerate. I believe the Gentlemen who have the good Fortune to be in some of these Imployments, will think I complement them, if I should say they have not been better executed since they were in so many Hands, than when in fewer: and I must confess, I see no reason why they may not be made twice as many, and so* ad infinitum, *(unless the number be ascertain'd by Parliament) and what Danger this may be to our Constitution, I think of with Horror. For if in Ages to come they should be all given to Parliament Men, what will become of our so much boasted Liberty? What shall be done when the Criminal becomes the Judg, and the Malefactors are left to try themselves? We may be sure their common Danger will unite them, and they will all stand by one another. I do not speak this by guess; for I have read of a Country where there was a constant Series of Mismanagement for many Years together, and yet no Body was punish'd: and even in our own Country I believe, some Men now alive can remember the time, when if the King had but twenty more Places in his Disposal, or dispos'd of those he had to the best Advantage, the Liberty of* England *had been at an end. I would not be understood quite to exclude Parliament-men from having Places; for a Man may serve his Country in two Capacities: but I would not have it to be a Qualification for a Place; because a poor Borough thinks a Man fit to represent them, that therefore he must be a Statesman, a Lawyer, a Soldier, an Admiral, and what not? If this Method should be taken in a future Reign, the People must not expect to see Men of Ability or Integrity in any Places, while they hold them by no other Tenure than the Disservice they do their Country*

Constitution design'd to prevent Corruption, &c.

First violated by King Charles *I.*

Afterwards by K. Charles *II.*

Art of splitting Places.

Parliament men to be excluded Offices.

in

in the House of Commons, and are sure to be turn'd out upon every prevalent Faction on the other side. They must then never expect to see the House of Commons act vigorously for the Interest either of King or People; but some will servilely comply with the Court to keep their Places, others will oppose it as unreasonably to get them: and those Gentlemen whose Designs are for their Countries Interest, will grow weary of the best Form of Government in the World, thinking by mistake the Fault is in our Constitution. I have heard of a Country, where the Disputes about Offices to the value of thirty thousand Pounds per annum, have made six Millions ineffectual; what by some Mens prostitute Compliance, and others openly clogging the Wheels, it has caus'd Want and Necessity in all kinds of Men, Bribery, Treachery, Profaneness, Atheism, Prodigality, Luxury, and all the Vices that attend a remiss and corrupt Administration, and a universal Neglect of the Publick. It is natural to run from one extreme to another; and this Policy will at last turn upon any Court that uses it: for if they should be resolv'd to give all Offices to Parliament-men, the People will think themselves under a Necessity to obtain a Law that they shall give none, which has been more than once attempted in our own time. Indeed, tho there may be no great inconvenience in suffering a few Men that have Places to be in that House, such as come in naturally, without any indirect means, yet it will be fatal to us to have many: for all wise Governments endeavour as much as possible to keep the Legislative and Executive Parts asunder, that they may be a check upon one another. Our Government trusts the King with no part of the Legislative but a Negative Voice, which is absolutely necessary to preserve the Executive. One part of the Duty of the House of Commons is to punish Offenders, and redress the Grievances occasion'd by the Executive Part of the Government; and how can that be done if they should happen to be the same Persons, unless they would be publick-spirited enough to hang or drown themselves?

Mischief of Disputes about Offices.

Legislative and Executive Power to be in different Hands.

But in my Opinion, in another thing of no less Importance, we deviated in Charles the Second's time from our Constitution: for tho we were in a Capacity of punishing Offenders, yet we did not know legally who they were. The Law has been always very tender of the Person of the King, and therefore has dispos'd the Executive Part of the Government in such proper Channels, that whatsoever lesser Excesses are committed, they are not imputed to him, but his Ministers are accountable for them: his great Seal is kept by his Chancellor, his Revenue by his Treasurer, his Laws are executed by his Judges, his Fleet is manag'd by his Lord High Admiral, who are all accountable for their Misbehaviour. Formerly all Matters of State and Discretion were debated and resolv'd in the Privy Council, where every Man subscrib'd his Opinion, and was answerable for it. The late King Charles was the first who broke this most excellent part of our Constitution, by settling a Cabal or Cabinet Council, where all Matters of Consequence were debated and resolv'd, and then brought to the Privy Council to be confirm'd. The first footsteps we have of this Council in any European Government were in Charles the Ninth's time of France, when resolving to massacre the Protestants, he durst not trust his Council with it, but chose a few Men who he call'd his Cabinet Council: and considering what a Genealogy it had, 'tis no wonder it has been so fatal both to King and People. To the King: for whereas our Constitution has provided Ministers in the several parts of the Government to answer for Miscarriages, and to skreen him from the hatred of the People; this on the contrary protects the Ministers, and exposes the King to all the Complaints of his Subjects. And 'tis as dangerous to the People: for whatever Miscarriages there are, no body can be punish'd for them; for they justify themselves by a Sign Manual, or perhaps a private Direction from the King: and then we have run it so far, that we can't follow it. The Consequence of this must be continual Heartburnings between King and People: and no one can see the Event.

Law is tender of the King's Person.

Ch. I. first settl'd a Cabinet-Council.

A ſhort HISTORY *of Standing Armies in* England.

Diſmal Effects of a Standing Army.

IF any Man doubts whether a Standing Army is Slavery, Popery, Mahometiſm, Paganiſm, Atheiſm, or any thing which they pleaſe, let him read,

First, The Story of *Matho* and *Spendius* at *Carthage*, and the *Mamalukes* of *Egypt*.

In the Low-Countries.

Secondly, The Hiſtories of *Strada* and *Bentivolio*, where he will find what Work nine thouſand *Spaniards* made in the 17 Provinces, tho the Country was full of fortify'd Towns, poſſeſs'd by the Low-Country Lords, and they had Aſſiſtance from *Germany*, *England* and *France*.

In France.

Thirdly, The Hiſtory of *Philip de Commines*, where he will find that *Lewis* the 11*th* inſlav'd the vaſt Country of *France* with 25000 Men, and that the raiſing 500 Horſe by *Philip* of *Burgundy* ſirnam'd the Good, was the Ruin of thoſe Provinces.

In England.

Fourthly, *Ludlow*'s *Memoirs*, where he will find that an Army rais'd to defend our Liberties, made Footballs of that Parliament, at whoſe Actions all *Europe* ſtood amaz'd, and in a few years ſet up ten ſeveral ſorts of Government contrary to the Genius of the whole Nation, and the Opinion of half their own Body: ſuch is the Influence of a General over an Army, that he can make them act like a piece of Mechaniſm, whatever their private Opinions are.

Laſtly, Let him read the *Arguments againſt a Standing Army*, and *Diſcourſe concerning Militias*, the *Militia Reform'd*, and the Anſwers to them. But leſt all this ſhould not ſatisfy him, I will here give a ſhort Hiſtory of Standing Armies in *England*, I will trace this Myſtery of Iniquity from the beginning, and ſhow the ſeveral ſteps by which it has crept upon us.

Riſe of a Standing Army in England.

The firſt footſteps I find of a Standing Army in *England* ſince the *Romans* left the Iſland, were in *Richard* the Second's time, who rais'd four thouſand Archers in *Cheſhire*, and ſuffer'd them to plunder, live upon free Quarter, beat, wound, raviſh and kill wherever they went; and afterwards he call'd a Parliament, encompaſs'd them with his Archers, forc'd them to give up the whole Power of Parliaments, and make it Treaſon to endeavour to repeal any of the arbitrary Conſtitutions then made: but being afterwards oblig'd to go to *Ireland* to ſuppreſs a Rebellion there, the People took Advantage of it, and dethron'd him.

The Nation had ſuch a Specimen in this Reign of a Standing Army, that I don't find any King from him to *Charles* the 1*ſt*, who attempted keeping up any Forces in time of Peace, except the Yeomen of the Guard, who were conſtituted by *Henry* the 7*th*: and tho there were ſeveral Armies rais'd in that time for *French*, *Scotch*, *Iriſh*, other foreign and domeſtick Wars; yet they were conſtantly disbanded as ſoon as the occaſion was over. And in all the Wars of *York* and *Lancaſter*, whatever Party prevail'd, we don't find they ever attempted to keep up a Standing Army. Such was the Virtue of thoſe times, that they would rather run the hazard of forfeiting their Heads and Eſtates to the Rage of the oppoſite Party, than certainly inſlave their Country, tho they themſelves were to be the Tyrants.

Nor would they ſuffer our Kings to keep up an Army in *Ireland*, tho there were frequent Rebellions there, and by that means their Subjection very precarious; as well knowing they would be in *England* when call'd for. In the firſt three hundred years that the *Engliſh* had poſſeſſion of that Country, there were no Armies there but in times of War. The firſt Force that was eſtabliſh'd was in the 14*th* of *Edward* the Fourth, when 120 Archers on Horſeback, 40 Horſemen, and 40 Pages were eſtabliſh'd by Parliament there; which ſix years after were reduc'd to 80 Archers,

and

and 20 Spearmen on Horseback. Afterwards in *Henry* the Eighth's time, in the Year 1535, the Army in *Ireland* was 300; and in 1543, they were increas'd to 380 Horse and 160 Foot, which was the Establishment then. I speak this of times of Peace: for when the *Irish* were in Rebellion, which was very frequent, the Armies were much more considerable. In Queen *Mary*'s time the Standing Forces were about 1200. In most of Queen *Elizabeth*'s Reign the *Irish* were in open Rebellion; but when they were all suppress'd, the Army establish'd was between 1500 and 2000; about which number they continu'd till the Army rais'd by *Strafford* the 15th of *Charles* the First.

The Glory of Q. Eliza's Reign.

In the Year 1602 dy'd Queen *Elizabeth*, and with her all the Virtue of the *Plantagenets*, and the *Tudors*. She made the *English* Glory sound thro the whole Earth: She first taught her Country the Advantages of Trade; set bounds to the Ambition of *France* and *Spain*; assisted the *Dutch*, but would neither permit them or *France* to build any great Ships; kept the Keys of the Rivers *Maes* and *Scheld* in her own hands; and dy'd with an uncontrol'd Dominion of the Seas, and Arbitress of Christendom. All this she did with a Revenue not exceeding 300000 pounds *per annum*; and had but inconsiderable Taxes from her People.

K. J. lessened the Glory of England.

No sooner was King *James* come to the Crown, but all the Reputation we had acquir'd in her glorious Reign was eclips'd, and we became the Scorn of all Nations about us, contemn'd even by that State we had created, who insulted us at Sea, seiz'd *Amboyna*, *Poleroon*, *Seran*, and other Places in the *East-Indies*, by which they ingross'd that most profitable Trade of Spices; fish'd upon our Coasts without paying the customary Tribute, and at the same time prevail'd with the King to deliver up the cautionary Towns of *Brill*, *Ramekins*, and *Flushing*, for a very small Consideration, tho there were near six Millions Arrears. He squander'd the publick Treasure, discountenanc'd all the great Men who were rais'd in the glorious Reign of his Predecessor, cut off Sir *Walter Raleigh*'s Head, advanc'd Favorites of his own, Men of no Merit, to the highest Preferment; and to maintain their Profuseness, he granted them Monopolies, infinite Projects, prostituted Honours for Mony, rais'd Benevolences and Loans without Authority of Parliament. And when these Grievances were complain'd of there, he committed many of the principal Members without Bail or Mainprise, as he did afterwards for presuming to address him against the *Spanish* Match. He pardon'd the Earl of *Somerset* and his Wife for Sir *Thomas Overbury*'s Murder, after he had imprecated all the Curses of Heaven upon himself and his Posterity; and it was generally thought, because the Earl was accessary to the poisoning Prince *Henry*. He permitted his Son-in-law to be ejected out of his Principalities, and the Protestant Interest to be run down in *Germany* and *France*, while he was bubbl'd nine Years together with the hopes of the *Spanish* Match, and a great Fortune. Afterwards he made a dishonourable Treaty of Marriage with *France*, giving the Papists Liberty of Conscience: and indeed, as he often declar'd, he was no otherwise an Enemy to Popery, than for their deposing of Kings, and King-killing Doctrine. In *Ireland* he gave them all the Incouragement he durst; which Policy has been follow'd by all his Successors since to this present Reign, and has serv'd them to two Purposes: One is, by this they have had a Pretence to keep up Standing Armies there to aw the Natives; and the other, that they might make use of the Natives against their *English* Subjects. In this Reign that ridiculous Doctrine of Kings being *Jure Divino* was coin'd, never before heard of even in the *Eastern* Tyrannies. The other parts of his Government had such a mixture of *Scharamuchi* and *Harlequin*, that they ought not to be spoken of seriously, as Proclamations upon every Trifle, some against talking of News; Letters to the Parliament, telling them he was an old and wise King; that State Affairs were above their reach, and therefore they must not meddle with them, and such like Trumpery. But our Happiness was, that this Prince was a great Coward, and hated the sight of a Soldier; so that he could not do much against us by open force. At last he dy'd (as many have believ'd) by Poison, to make room for his Son *Charles* the First.

The dishonor of his Reign.

King Ch. I. govern'd by his Clergy.

This King was a great Bigot, which made him the Darling of the Clergy: but having no great reach of his own, and being govern'd by the Priests (who have been always unfortunate when they meddled with Politicks) with a true Ecclesiastick Fury he drove on to the Destruction of all the Liberties of *England*. This King's whole Reign was one continu'd Act against the Laws. He dissolv'd his first Parliament for presuming to inquire into his Father's Death, tho he lost a great Sum of Mony by it, which they had voted him: He entred at the same time into a War

His ill Government blam'd.

with *France* and *Spain*, upon the private Piques of *Buckingham*, who manag'd them to the eternal Diſhonour and Reproach of the *Engliſh* Nation; witneſs the ridiculous Enterprizes upon *Cadiz* and the Iſle of *Rhee*. He deliver'd *Pennington*'s Fleet into the *French* hands, betray'd the poor *Rochellers*, and ſuffer'd the Proteſtant Intereſt in *France* to be quite extirpated. He rais'd Loans, Excises, Coat and Conductmony, Tunnage and Poundage, Knighthood and Ship-mony, without Authority of Parliament; impos'd new Oaths on the Subjects, to diſcover the Value of their Eſtates; impriſon'd great numbers of the moſt conſiderable Gentry and Merchants for not paying his Arbitrary Taxes; ſome he ſent beyond Sea, and the poorer ſort he preſt for Soldiers. He kept Soldiers on free Quarter, and executed Martial Law upon them. He granted Monopolies without number, and broke the Bounds of the Foreſts. He erected Arbitrary Courts, and inlarg'd others, as the High Commiſſion-Court, Star-Chamber, Court of Honor, Court of Requeſts, *&c.* and unſpeakable Oppreſſions were committed in them, even to Men of the firſt Quality. He commanded the Earl of *Briſtol* and Biſhop of *Lincoln* not to come to Parliament; committed and proſecuted a great many of the moſt eminent Members of the Houſe of Commons for what they did there, ſome for no Cauſe at all; and would not let them have the benefit of *Habeas Corpus*. Suſpended and confin'd Archbiſhop *Abbot*, becauſe he would not licenſe a Sermon that aſſerted Deſpotick Power, whatever other Cauſe was pretended. He ſuſpended the Biſhop of *Gloceſter*, for refuſing to ſwear never to conſent to alter the Government of the Church: ſupported all his Arbitrary Miniſters againſt the Parliament, telling them he wondred at the fooliſh Impudence of any one to think he would part with the meaneſt of his Servants upon their account: And indeed in his Speeches, or rather Menaces, he treated them like his Footmen, calling them *Undutiful*, *Seditious*, and *Vipers*. He brought unheard of Innovations into the Church; preferred Men of Arbitrary Principles, and inclinable to Popery, eſpecially thoſe Firebrands, *Laud*, *Mountague* and *Manwaring*, one of whom had been complain'd of in Parliament, another impeach'd for advancing Popery, and the third condemn'd in the Houſe of Lords. He diſpenſed with the Laws againſt Papiſts, and both encourag'd and prefer'd them. He call'd no Parliament for twelve Years together, and in that time govern'd as arbitrarily as the Grand Seignior. He abetted the *Iriſh* Maſſacre, as appears by their producing a Commiſſion under the Great Seal of *Scotland*, by the Letter of *Charles* the Second in favour of the Marqueſs of *Antrim*, by his ſtopping the Succors that the Parliament ſent to reduce *Ireland* ſix months under the Walls of *Cheſter*; by his entring into a Treaty with the Rebels, after he had ingag'd his Faith to the Parliament to the contrary, and bringing over many thouſands of them to fight againſt his People. It is endleſs to enumerate all the Oppreſſions of his Reign; but having no Army to ſupport him, his Tyranny was precarious, and at laſt his Ruin. Tho he extorted great Sums of Mony from the People, yet it was with ſo much difficulty that it did him little good. Beſides, he ſpent ſo much in fooliſh Wars and Expeditions, that he was always behind-hand; yet he often attempted to raiſe an Army.

The ill things done in K. Ch. I's Reign.

Upon pretence of the *Spaniſh* and *French* War he rais'd many thouſand Men, who liv'd upon free Quarter, and rob'd and deſtroy'd wherever they came. But being unſucceſsful in his Wars abroad, and preſt by the Clamours of the People at home, he was forc'd to disband them. In 1627 he ſent over 30000 *l.* to *Holland* to raiſe 3000 *German* Horſe to force his arbitrary Taxes; but this Matter taking wind, and being examin'd by the Parliament, Orders were ſent to countermand them. In the 15*th* Year of his Reign he gave a Commiſſion to *Strafford* to raiſe 8000 *Iriſh* to be brought into *England*: But before they could get hither, the *Scots* were in Arms for the like Oppreſſions, and marched into *Northumberland*; which forcing him to call a Parliament, prevented that Deſign, and ſo that Army was disbanded. Soon after he rais'd an Army in *England* to oppoſe the *Scots*, and tamper'd with them to march to *London*, and diſſolve the Parliament: But this Army being compos'd for the moſt part of the Militia, and the Matter being communicated to the Houſe, who immediately fell on the Officers that were Members, as *Aſhburnham*, *Wilmot*, *Pollard*, &c. the Deſign came to nothing. After this there was a Pacification between the King and the *Scots*; and in purſuance of it both Armies were disbanded. Then he went to *Scotland*, and endeavour'd to prevail with them to invade *England*; but that not doing, he ſent a Meſſage to the Parliament, deſiring their concurrence in the raiſing 3000 *Iriſh* to be lent to the King of *Spain*: to which the Parliament refus'd to conſent, believing he would make another uſe of them.

When

When he came back to *London*, he pick'd three or 400 diſſolute Fellows out of Taverns, Gaming and Brothel-houſes, kept a Table for them; and with this goodly Guard, all arm'd, he enter'd the Houſe of Commons, ſat down in the Speaker's Chair, demanding the delivery of five Members: But the Citizens coming down by Land and Water with Muskets on their Shoulders to defend the Parliament, he attempted no further. This ſo inrag'd the Houſe, that they choſe a Guard to defend themſelves againſt future Inſults, and the King ſoon after left *London*.

The Iriſh *Rebellion.*

Some time before this began the *Iriſh* Rebellion, where the *Iriſh* pretended the King's Authority, and ſhew'd the Great Seal to juſtify themſelves; which, whether true or falſe, rais'd ſuch a jealouſy in the People, that he was forc'd to conſent to leave the management of that War to the Parliament: yet he afterwards ſent a Meſſage to them, telling them, he would go to *Ireland* in Perſon; and acquainted them, that he had iſſued out Commiſſions for raiſing 2000 Foot and 200 Horſe in *Cheſhire* for his Guard; which they proteſted againſt, and prevented it. By this we may ſee what Force was thought ſufficient in his Reign to inſlave the Nation, and the frequent Attempts to get it.

Then the Civil Wars broke out between him and his People, in which many bloody Battels were fought; two of the moſt conſiderable were thoſe of *Newbury* and *Naſeby*, both won by new Soldiers, the firſt by the *London* Militia, and the latter by an unexperienc'd Army, which the King us'd to call in deriſion the *New Nodel*. And ſome Years after the Battel of *Worceſter* was in a great meaſure won by the Country Militia, after which *Cromwel* diſcharg'd them with Anger and Contempt, as knowing them Inſtruments unfit to promote his Tyrannical Deſigns.

Militia did moſt at the Battels of Worceſter, *&c.*

At laſt by the Fate of the War the King became a Priſoner, and the Parliament treated with him while in that condition; and at the ſame time voted that ſome part of the Army ſhould be disbanded, and others ſent to *Ireland* to reduce that Kingdom: Upon which the Army choſe Agitators among themſelves, who preſented a Petition to both Houſes, that they would proceed to ſettle the Affairs of the Kingdom, and declare that no part of the Army ſhould be disbanded till that was done. But finding their Petition reſented, they ſent and ſeiz'd the King's Perſon from the Parliament's Commiſſioners, drew up a Charge of High Treaſon againſt Eleven principal Members for endeavouring to disband the Army, entred into a private Treaty with the King: But he not complying with their Demands, they ſeiz'd *London*; and notwithſtanding the Parliament had voted the King's Conceſſions a ground for a future Settlement, they reſolv'd to put him to Death, and in order thereto purg'd the Houſe, as they call'd it, that is, plac'd Guards upon them, and excluded all Members that were for agreeing with the King; and then they cut off his Head.

The great things done by the Parliament in 5 Years.

After this they let the Parliament govern for five Years, who made their Name famous thro the Earth, conquer'd their Enemies in *England*, *Scotland*, and *Ireland*; reduc'd the Kingdom of *Portugal* to their own Terms; recover'd our Reputation at Sea; overcame the *Dutch* in ſeveral famous Battels; ſecur'd our Trade, and manag'd the Publick Expences with ſo much Frugality, that no Eſtates were gain'd by private Men upon the publick Miſeries; and at laſt were paſſing an Act for their own Diſſolution, and ſettling the Nation in a free and impartial Commonwealth: Of which the Army being afraid, thought it neceſſary to diſſolve them; and accordingly *Cromwel* next day call'd two Files of Muſqueteers into the Houſe, and pull'd the Speaker out of the Chair, behaving himſelf like a Madman, vilifying the Members, and calling one a *Whoremaſter*, another a *Drunkard*, bidding the Soldiers take away that *Fools Bauble*, the Mace; and ſo good night to the Parliament.

Cromwel *diſſolves that Parliament.*

When they had done this Act of Violence, the Council of Officers ſet up a new Form of Government, and choſe a certain number of Perſons out of every County and City of *England*, *Scotland* and *Ireland*: And theſe they inveſted with the Supreme Power, but ſoon after expelled them, and then *Cromwel* ſet up himſelf, and fram'd a new Inſtrument of Government by a Protector and a Houſe of Commons, in purſuance of which he call'd a Parliament. But they not anſwering his Expectations, he excluded all that would not ſubſcribe his Inſtrument; and thoſe that remain'd, not proving for his Purpoſe neither, he diſſolv'd them with a great deal of opprobrious Language. He then divided *England* into ſeveral Diſtricts or Diviſions, and placed Major Generals or Intendents over them, who govern'd like ſo many Baſhaws, decimating the Cavaliers, and raiſing Taxes at their Pleaſure. Then forſooth he had a mind to make himſelf King, and call'd another Parliament to that purpoſe,

Cromwel *ſet up himſelf.*

purpoſe, after his uſual manner ſecluding ſuch Members as he did not like. To this Aſſembly he offer'd another Inſtrument of Government, which was by a Repreſentative of the People, a ſecond Houſe compos'd of Seventy Members in the nature of a Houſe of Lords, and a ſingle Perſon; and left a Blank for what name he ſhould be call'd, which this worthy Aſſembly fill'd up with that of *King*, addreſs'd to *Cromwel* that he would be pleas'd to accept it, and gave him Power to nominate the Members of the other Houſe. This the great Officers of the Army reſented, for it deſtroy'd all their hopes of being Tyrants in their turn, and therefore addreſs'd the Parliament againſt the Power and Government of a King, which made *Cromwel* decline that Title, and content himſelf with a greater Power under the Name of *Protector*. Afterwards he nam'd the *other Houſe*, as it was call'd, for the moſt part out of the Officers of the Army: But even this Parliament not pleaſing him, he diſſolv'd them in a fury, and govern'd the Nation without any Parliament at all till he died.

After his Death, the Army ſet up his Son *Richard*, who call'd a new Parliament; but their Proceedings being not agreeable to the Humor of the Soldiery, they forced the Protector to diſſolve them: Then they depos'd him, and took the Power into their own hands; but being unable to weild it, they reſtor'd the Commonwealth, and ſoon after expelled them again, becauſe they would not ſettle the Military Sword independent of the Civil: Then they govern'd the Nation by a Council of War at *Wallingford*-Houſe, and choſe a Committee of Safety for the executive part of the Government; but that Whim laſted but a little time, before they choſe Conſervators of Liberty; and that not doing neither, they agreed that every Regiment ſhould chuſe two Repreſentatives, and this worthy Council ſhould ſettle the Nation; when they met, ſometimes they were for calling a new Parliament, ſometimes for reſtoring the old, which was at laſt done. By this means all things fell into Confuſion, which gave *Monk* an opportunity of marching into *England*, where he acted his part ſo dexterouſly, that he reſtor'd the King with part of that Army which had cut off his Father's Head.

The Reſtoration of K.Ch.II.

This is a true and lively Example of a Government with an Army; an Army that was rais'd in the Cauſe, and for the ſake of Liberty; compos'd for the moſt part of Men of Religion and Sobriety. If this Army could commit ſuch Violences upon a Parliament always ſucceſsful, that had acquired ſo much Reputation both at home and abroad, at a time when the whole People were train'd in Arms, and the Pulſe of the Nation beat high for Liberty; what are we to expect if in a future Age an ambitious Prince ſhould ariſe with a diſſolute and debauch'd Army, a flattering Clergy, a proſtitute Miniſtry, a Bankrupt Houſe of L——ds, a Penſioner Houſe of C——ns, and a ſlaviſh and corrupted Nation?

K. Ch. II's *Reign arraign'd.*

By this means came in *Charles* the Second, a luxurious effeminate Prince, a deep Diſſembler, and if not a Papiſt himſelf, yet a great favourer of them; but the People had ſuffer'd ſo much from the Army, that he was receiv'd with the utmoſt Joy and Tranſport. The Parliament in the Honymoon paſs'd what Laws he pleas'd, gave a vaſt Revenue for Life, being three times as much as any of his Predeceſſors ever enjoy'd, and ſeveral Millions beſides to be ſpent in his Pleaſures. This made him conceive vaſter hopes of Arbitrary Power than any that went before him; and in order to it he debauch'd and enervated the whole Kingdom. His Court was a Scene of Adultery, Drunkenneſs, and Irreligion, appearing more like Stews, or the Feaſts of *Bacchus*, than the Family of a Chief Magiſtrate: And in a little time the Contagion ſpread thro the whole Nation, that it was out of the faſhion not to be leud, and ſcandalous not to be a publick Enemy; which has been the occaſion of all the Miſeries that have ſince happen'd, and I am afraid will not be extinguiſh'd but by our own Ruin. He was no ſooner warm in his Seat, but he rejected an advantageous Treaty of Commerce which *Oliver* made with *France*, as done by a Uſurper; ſuffer'd the *French* to lay Impoſitions upon all our Goods, which amounted to a Prohibition, inſomuch that they got a Million a Year from us in the overballance of Trade. He ſold that important Fortreſs of *Dunkirk*, let the *French* ſeize St. *Chriſtophers* and other places in North *America*.

He began a fooliſh and unjuſt War with the *Dutch*; and tho the Parliament gave him vaſt Sums to maintain it, yet he ſpent ſo much upon his Vices, that they got great Advantages of us, and burnt our Fleet at *Chatham*. At laſt he made as diſ-

Calamities during his Reign.

honourable a Peace with them, as he had done a War; a perpetual Reproach to our Country, that our Reputation at Sea ſhould be ſunk to ſo low an ebb as to be baffled by that Nation, who but a few Years before had ſent a blank Paper to the

Parliament,

Parliament, to preſcribe to them what Laws they pleas'd. During this War the City of *London* was fired, not without violent Suſpicions that the Fireballs were prepar'd at *Whitehall*.

Soon after this he entred into the Triple Alliance to oppoſe the growing Greatneſs of *France*, and receiv'd a great Sum from the Parliament to maintain it, which he made uſe of to break the ſame League; ſent Mr. *Coventry* to *Sweden* to diſſolve it; and entred into a ſtrict Alliance with *France*, which was ſeal'd with his Siſter's Blood. In conjunction with them he made a new War upon *Holland*, to extirpate Liberty and the Proteſtant Religion: But knowing the Parliament were averſe to the War, and would not ſupport him in it, he attempted before any War declar'd, to ſeize their *Smirna* Fleet, ſhut up the *Exchequer*, and became ſo mean as to be a Penſioner to *France*, from whence his Predeceſſors with Swords in their hands had ſo often exacted Tribute. He not only ſuffer'd, but aſſiſted them to arrive at that pitch of Greatneſs, which all *Europe* hath ſince ſufficiently felt and lamented. He ſent over ten thouſand Men to aſſiſt in ſubduing *Flanders* and *Germany*, by whoſe help they did ſeveral conſiderable Actions. He ſent them Timber, Seamen, Ship-Carpenters, and Models, contrary to the Policy of all Nations; which rais'd their Naval Force to a degree almoſt equal to our own: and for their Exerciſe, he ſuffer'd them to take multitudes of *Engliſh* Ships by their Privateers, without ſo much as demanding Satisfaction.

During this War he iſſued out a Declaration ſuſpending the Penal Laws, which appears to be deſign'd in favor of the Papiſts, by directing a Bill afterwards to be ſtolen away out of the Houſe of Lords, for indulging Proteſtant Diſſenters, whom he perſecuted violently moſt of his Reign, while he both countenanc'd and prefer'd Papiſts; broke the Act of Settlement in *Ireland*, reſtor'd them to their Eſtates, iſſued forth a Proclamation giving the Papiſts liberty to inhabit in Corporations, and married the Duke of *York* not only to a Papiſt, but one in the *French* Intereſt, notwithſtanding the repeated Addreſſes of the Parliament to the contrary. It was in this Reign that that curſed and deteſtable Policy was much improv'd of bribing Parliaments, by diſtributing all the great Imployments in *England* among them, and ſupplying the want of Places with Grants of Lands and Mony. No Man could be prefer'd to any Imployment in Church or State, till he had declar'd himſelf an open Enemy to our Conſtitution, by aſſerting Deſpotick Power under that nonſenſical Phraſe of *Paſſive Obedience*, which was more preach'd up than all the Laws of God and Man. The helliſh Popiſh Plot was ſtifled, prov'd ſince too true by fatal Experience; and in the room of it Proteſtant ones were forg'd, and Men trapan'd into others, as the Meal-tub, *Fitz Harris*'s, the *Rye-Houſe*, *Newmarket*, and *Black-Heath* Plots: And by theſe Pretences, and the help of pack'd Juries and Judges, they butcher'd ſome of the beſt Men in *England*, ſet immoderate Fines upon others; gave probable ſuſpicion of cutting the Lord *Eſſex*'s Throat. And to finiſh our Deſtruction, they took away the Charters as faſt as they were able, of all the Corporations in *England*, that would not chuſe the Members preſcrib'd them.

Bribing Parliament men practis'd in that Reign.

But he durſt not have dreamt of all theſe Violations if he had not had an Army to juſtify them. He had thoughts at firſt of keeping up the Parliament Army, which was ſeveral times in debate: But Chancellor *Hyde* prevail'd upon him by this Argument, that they were a Body of Men that had cut off his Father's Head; that they had ſet up and pull'd down ten ſeveral ſorts of Government; and that it might be his own turn next. So that his Fears prevailing over his Ambition, he conſented to diſband them; but ſoon found how vain and abortive a thing Arbitrary Power would prove without an Army. He therefore try'd all ways to get one; and firſt he attempted it in *Scotland*, and by means of the Duke of *Lauderdale* got an Act paſs'd there, whereby the Kingdom of *Scotland* was oblig'd to raiſe 20000 Foot and 2000 Horſe at his Majeſty's Call, to march into any part of his Dominions; and this Law is in being at this day. Much about the ſame time he rais'd Guards in *England* (a thing unheard of in our *Engliſh* Conſtitution) and by degrees increas'd them, till they became a formidable Army; for firſt they were but very few, but by adding inſenſibly more Men to a Troop or Company, and then more Troops or Companies to a Regiment, before the ſecond *Dutch* War he had multiply'd them to near 5000 Men. He then began that War in conjunction with *France*, and the Parliament gave him two Millions and a half to maintain it; with part of which Mony he rais'd about 12000 Men, which were call'd the *Black-Heath Army* (appointing Marſhal *Schomberg* to be their General, and *Fitz Gerald* an *Iriſh* Papiſt their Lieutenant-General) and pretended he rais'd them to attack *Holland*; but inſtead of uſing

K. Ch. II. diſbands the Army which reſtor'd him.

The Guards increas'd to 5000 Men.

using them to that purpose, he kept them encamp'd upon *Black-Heath*, hovering over the City of *London*, which put both the Parliament and City in such confusion that the King was forc'd at last to disband them.

General Schomberg's generous Action.

But there were several Accidents contributed to it: First, the ill Success he had in the War with the *Dutch*, such Gallantries being not to be attempted but in the highest Raptures of Fortune: Next, the never to be forgotten Generosity of that great Man General *Schomberg*, whose mighty Genius scorn'd so ignoble an Action as to put Chains upon a free People: and last of all, the Army themselves mutiny'd for want of Pay; which added to the ill Humors that were then in the Nation, made the King willing to disband them. But at the same time, contrary to the Article of Peace with the *Dutch*, he continu'd ten thousand Men in the *French* Service, for the most part under Popish Officers, to be season'd there in slavish Principles, that they might be ready to execute any Commands when they were sent for over. The Parliament never met, but they address'd the King to recal these Forces out of *France* and disband them; and several times prepar'd Bills to that purpose, which the King always prevented by a Prorogation; but at last was prevail'd upon to issue forth a Proclamation to recal them, yet at the same time supply'd them with Recruits, incourag'd some to go voluntarily into that Service, and press'd, imprison'd, and carried over others by main Force: Besides, he only disbanded the new rais'd Regiments, and not all them neither, for he kept up in *England* five thousand eight hundred and ninety private Men besides Officers, which was his Establishment in 1673.

K. Ch. II. had 10000 of his Subjects in the French Service.

Designs for Popery and Arbitrary Power.

The King having two great Designs to carry on together, *viz.* Popery and Arbitrary Power, thought this Force not enough to do his Business effectually; and therefore cast about how to get a new Army, and took the most plausible way, which was, pretending to enter into a War with *France*; and to that purpose sent Mr. *Thyn* to *Holland*, who made a strict League with the States: And immediately upon it the King call'd the Parliament, who gave him 1200000 Pounds to enter into an actual War; with which Mony he rais'd an Army of between twenty and thirty thousand Men within less than forty Days, and sent part of them to *Flanders*. At the same time he continu'd his Forces in *France*, and took a Sum of Mony from that King to assist him in making a private Peace with *Holland*: So that instead of a War with *France*, the Parliament had given a great Sum to raise an Army to enslave themselves.

But it happen'd about this time that the Popish Plot broke out, which put the Nation into such a Ferment, that there was no stemming the Tide; so that he was forc'd to call the Parliament, which met the 23*d* of *October* 78, who immediatly fell upon the Popish Plot and the Land Army. Besides, there were discover'd 57 Commissions granted to Papists to raise Men, countersign'd *J. Williamson*; for which, and saying that the King might keep Guards if he could pay them, he was committed to the *Tower*. This so inrag'd the Parliament, that they immediately proceeded to the disbanding of the Army, and pass'd an Act that all rais'd since the 29*th* of *September* 77, should be disbanded, and gave the King 693388 Pounds to pay off their Arrears; which he made use of to keep them up, and dissolv'd the Parliament: But soon after call'd another, which pursu'd the same Counsels, and pass'd a second Act to disband the Army, gave a new Sum for doing it, directed it to be paid into the Chamber of *London*; appointed Commissioners of their own, and pass'd a Vote, *That the continuance of any Standing Forces in this Nation, other than the Militia, was illegal, and a great Grievance and Vexation to the People*; so that Army was disbanded. Besides this, they complain'd of the Forces that were in *France*, and address'd the King again to recal them; which had some effect, for he sent over no more Recruits, but suffer'd them to wear out by degrees. The Establishment upon the Dissolution of this Army, which was in the Year $16\frac{7}{8}$, were 5650 private Soldiers, besides Officers. From this time he never agreed with his People, but dissolv'd three Parliaments following for inquiring into the Popish Plot; and in the three last Years of his Reign call'd none at all. And to crown the Work, *Tangier* is demolish'd, and the Garison brought over, and plac'd in the most considerable Ports in *England*; which made the Establishment in $8\frac{1}{4}$ 8482 private Men, besides Officers.

The Standing Forces in 1684. were above 8000 Men.

It's observable in this King's Reign, that there was not one Sessions but his Guards were attack'd, and never could get the least Countenance from Parliament; but to be even with them, the Court as much discountenanc'd the Militia, and never would suffer it to be made useful. Thus we see the King husbanded a few Guards so well

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that in a small number of Years they grew to a formidable Army, notwithstanding all the Endeavours of the Parliament to the contrary; so difficult it is to prevent the growing of an Evil, that does not receive a check in the beginning.

Establishment in Ireland *increas'd to* 7700.

He increas'd the Establishment in *Ireland* to 7700 Men, Officers included; whereas they never exceeded in any former Reign 2000, when there was more occasion for them: The *Irish* not long before having been intirely reduc'd by *Cromwel*, and could never have held up their Heads again without his Countenance. But the truth of it was, his Army was to support the *Irish*, and the fear of the *Irish* was to support his Army.

Towards the latter end of this King's Reign, the Nation had so entirely lost all sense of Liberty, that they grew fond of their Chains; and if his Brother would have suffer'd him to have liv'd longer, or had follow'd his Example, by this time we had been as great Slaves as in *France*. But it was God's great Mercy to us that he was made in another Mould, Imperious, Obstinate, and a Bigot, push'd on by the Counsels of *France* and *Rome*, and the Violence of his own Nature, so that he quickly run himself out of Breath.

K. J. II's Actions at his coming to the Crown.

As soon as he came to the Crown, he seiz'd the Customs and Excise without Authority of Parliament: He pick'd out the Scum and Scandals of the Law to make Judges upon the Bench; and turn'd out all that would not sacrifice their Oaths to his Ambition, by which he discharg'd the Lords out of the *Tower*; inflicted those barbarous Punishments on Dr. *Oates*, Mr. *Johnson*, &c. butcher'd many hundreds of Men in the *West*, after they had been trapan'd into a Confession by promise of Pardon; murder'd *Cornish*; got the Dispensing Power to be declar'd in *Westminster-hall*; turn'd the Fellows of *Magdalen*-College out of their Freeholds to make way for a Seminary of Priests, and hang'd Soldiers for running away from their Colours. He erected the Ecclesiastical Commission; suspended the Bishop of *London*, because he would not inflict the same Punishment upon Dr. *Sharp* for preaching against Popery. He closetted the Nobility and Gentry; turn'd all out of Imployment that would not promise to repeal the Test; put in Popish Privy-Counsellors, Judges, Deputy-Lieutenants, and Justices of Peace: and to get all this confirm'd by the shew of Parliament, he prosecuted the Work his Brother had begun in taking away Charters, and new model'd the Corporations by a sort of Vermin call'd *Regulators*. He receiv'd a Nuncio from *Rome*, and sent an Ambassador thither. He erected a Popish Seminary in the *Savoy* to pervert Youth; suffer'd the Priests to go about in their Habits; made *Tyrconnel* Lord-Lieutenant of *Ireland*; turn'd all the Protestants out of the Army, and most of the Civil Imployments there, and made *Fitton* (a Papist, and one detected for Perjury) Chancellor of that Kingdom. He issu'd out a Proclamation in *Scotland*, wherein he asserted his Absolute Power, which all his Subjects were to obey without reserve; a Prerogative I think, never claim'd by the Great *Turk*, or the *Mogul*. He issu'd out a Declaration for Liberty of Conscience, order'd it to be read in all Churches, and imprison'd and try'd the Seven Bishops because they humbly offer'd their Reasons in a Petition against it. And to consummate all, that we might have no hopes of retrieving our Misfortunes, he impos'd a counterfeit Prince of *Wales* upon the Nation.

K. J. II. asserts his absolute Power in Scotland.

D. of Monmouth's *Invasion soon quash'd.*

Soon after he came to the Crown the Duke of *Monmouth* landed, and in a few weeks got together six or seven thousand Men; but they having neither Arms or Provisions, were easily defeated by not many more than two thousand of the King's Troops. Which leaves a sad prospect of the Consequence of a Standing Army: for here was a Prince, the Darling of the common People, fighting against a bigotted Papist that was hated and abhor'd by them, and yet defeated by so small a number of Men, and many of them too his Friends; such is the Force of Authority.

King *James* took occasion from hence to increase his Army to between fifteen and 16000 Men, and then unmask'd himself, call'd his Parliament, and in a haughty Speech told them, He had increas'd his Army, put in Officers not qualify'd by the Test, and that he would not part with them. He ask'd a Supply, and let them know he expected their Compliance. This was very unexpected to those Loyal Gentlemen, who had given him such a vast Revenue for Life, who refus'd to take any Security but his Majesty's never-failing Word for the Protestant Religion, and indeed had done for him whatever he ask'd; which yet was not very extraordinary, since he had the chusing of most of 'em himself. But even this Parliament turn'd short upon an Army; which puts me in mind of a Saying of *Machiavel*, viz. *That it is as hard for a Man to be perfectly bad as perfectly good*; tho if he had liv'd at this time I believe

believe he had chang'd his Opinion. The Court labour'd the matter very much; and to ſhew that good Wits jump, they told us that *France* was grown formidable, that the *Dutch* Forces were much increas'd; that we muſt be ſtrong in proportion for the preſervation of our ſelves and *Flanders*, and that there was no dependence upon the Militia. But this ſhallow Rhetorick would not paſs upon them: They anſwer'd, That we had defended our ſelves for above a thouſand Years without an Army; that the King's trueſt Strength is the Love of his People; that they would make the Militia uſeful, and order'd a Bill to be brought in to that purpoſe. But all this ſerv'd only to fulfil their Iniquity, for they had done their own Buſineſs before, and now he would keep an Army up in ſpite of them: ſo he prorogu'd them, and call'd no other Parliament during his Reign; but to frighten the City of *London*, kept his Army encamp'd at *Hounſlow-Heath* when the Seaſon would permit; which put not only them but the whole Nation into the utmoſt Terror and Confuſion. Towards the latter end of his Reign he had increas'd his Army in *England* to above twenty thouſand Men, and in *Ireland* to eight thouſand ſeven hundred and odd.

Two great Errors of K. J. firſt diſobliging the Clergy.

This King committed two fatal Errors in his Politicks: The firſt was, his falling out with his old Chronies the Prieſts, who brought him to the Crown in ſpite of his Religion, and would have ſupported him in Arbitrary Government to the utmoſt; nay, Popery (eſpecially the worſt part of it, *viz.* the Domination of the Church) was not ſo formidable a thing to them, but with a little Cookery it might have been rendred palatable. But he had Prieſts of another ſort that were to riſe upon their Ruins; and he thought to play an eaſier Game by careſſing the Diſſenters, imploying them, and giving them Liberty of Conſcience: Which Kindneſs look'd ſo prepoſterous, that the wiſe and ſober Men among them could never heartily believe it, and when the Prince of *Orange* landed turn'd againſt him.

The other in diſobliging the Army.

His ſecond Error was the diſobliging his own Army, by bringing over Regiments from *Ireland*, and ordering every Company to take in ſo many *Iriſh* Papiſts; by which they plainly ſaw he was reforming his Army, and would caſhire them all as faſt as he could get Papiſts to ſupply their room. So that he violated the Rights of the People, fell out with the Church of *England*, made uncertain Friends of the Diſſenters, and diſoblig'd his own Army; by which means they all united againſt him, and invited the Prince of *Orange* to aſſiſt them: which Invitation he accepted, and landed at *Torbay* the 5*th* of *November* 1688. publiſhing a Declaration, which ſet forth all the Oppreſſions of the laſt Reign [but the keeping up a Standing Army] declar'd for a Free Parliament, in which things were to be ſo ſettled, that there ſhould be no danger of falling again into Slavery, and promis'd to ſend back all his Foreign Forces as ſoon as this was done.

The Pr. of O. comes to the Nation's Deliverance.

When the News of his Landing was ſpread thro *England*, he was welcom'd by the univerſal Acclamations of the People. He had the Hands, the Hearts, and the Prayers of all honeſt Men in the Nation: Every one thought the long wiſh'd for time of their Deliverance was come. King *James* was deſerted by his own Family, his Court, and his Army. The Ground he ſtood upon mouldred under him; ſo that he ſent his Queen and Foundling to *France* before him, and himſelf follow'd ſoon after. When the Prince came to *London*, he disbanded moſt of thoſe Regiments that were rais'd from the time he landed; and King *James*'s Army that were disbanded by *Feverſham*, were order'd to repair all again to their Colours: Which was thought by ſome a falſe ſtep, believing it would have been more our Intereſt to have kept thoſe Regiments which came in upon the Principle on which this Revolution is founded, than Forces that were rais'd in violation of the Laws, and to ſupport a Tyrannical Government: Beſides, the miſerable Condition of *Ireland* requir'd our ſpeedy Aſſiſtance, and theſe Men might have been truſted to do that Work.

Within a few days after he came to Town, he ſummon'd the Lords, and not long after the Members of the three laſt Parliaments of King *Charles* the Second; and was addreſs'd to by both Houſes to take upon him the Adminiſtration of the Government, to take into his particular Care the then preſent Condition of *Ireland*, and to iſſue forth Circulatory Letters for chuſing a Convention of Eſtates. All this time *Ireland* lay bleeding, and *Tyrconnel* was raiſing an Army, diſarming the Proteſtants, and diſpoſſeſſing them of all the Places they held in *Leinſter*, *Munſter*, and *Connaught*: which occaſion'd frequent Applications here for Relief, tho it was to ſend them but one or two Regiments; and if that could not be done, to

ſend

ſend them Arms and Commiſſions, which in all probability would have made the Reduction of that Kingdom very eaſy: Yet tho the Prince's and King *James*'s Armys were both in *England*, no Relief was ſent, by which means the *Iriſh* got poſſeſſion of the whole Kingdom but *Londonderry* and *Inniskilling*, the former of which Towns ſhut up its Gates the 9*th* of *December*, declaring for the Prince of *Orange*, and addreſs'd for immediate Relief, yet could neither get Arms or Ammunition till *March* 20. and the Forces that were ſent with *Cunningham* and *Richards* arriv'd not there till *April* 15. and immediately after deſerted the Service and came back again, bringing *Lundy* the Governor before appointed by his Majeſty with them, and alledg'd for their Excuſe, that it was impoſſible to defend the Town. But notwithſtanding this Treachery, ſuch was the Reſolution of the Beſieged, that they continu'd to defend themſelves with the utmoſt Bravery, and ſent again for Relief, which under *Kirk* came not to them till *June* 7. nor were theſe poor Creatures actually reliev'd till *July* 30. tho there appears no reaſon why he might not have done it when he came firſt into the Harbor, which was more than ſeven weeks before. Thus we ſee the Reſolution of theſe poor Men weary'd out all their Diſappointments.

When the Convention met, they reſolv'd upon twenty eight Articles, as the Preliminaries upon which they would diſpoſe the Crown: But this Deſign dwindled into a Declaration of our Rights, which was in thirteen Articles; and the moſt conſiderable, *viz. That the raiſing and keeping up a Standing Army in times of Peace is contrary to Law*, had tack'd to it theſe words, *without Authority of Parliament*; as if the Conſent of the Parliament would not have made it Legal without thoſe words, or that their Conſent would make it leſs dangerous. This made the *Jacobites* ſay in thoſe early days, that ſome evil Counſellors deſign'd to play the ſame Game again of a *Standing Army*, and attributed unjuſtly the neglect of *Ireland* to the ſame Cauſe, becauſe by that Omiſſion it was made neceſſary to raiſe a greater Army to reduce it; with which the King acquainted the Parliament the 8*th* of *March*, when ſpeaking of the deplorable Condition of *Ireland*, he declar'd he thought it not adviſable to attempt the reducing it with leſs than 20000 Horſe and Foot. This was a bitter Pill to the Parliament, who thought they might have manag'd their ſhare of the War with *France* at Sea; but there was no Remedy, a greater Army muſt be rais'd, or *Ireland* loſt: and to gild it, all the Courtiers uſher'd in their Speeches with this Declaration, That they would be the firſt for disbanding them when the War was over; and this Declaration has been made as often as an Army has been debated ſince during the War, and I ſuppoſe punctually obſerv'd laſt Seſſions.

The Declaration of the Rights of the People.

At laſt the thing was conſented to, and the King iſſu'd forth Commiſſions for the raiſing of Horſe, Foot, and Dragoons. In this Army very few Gentlemen of Eſtates in *Ireland* could get Imployments, tho they were in a miſerable Condition here, and made their utmoſt Application for them; it being a common Objection by ſome Colonels, that a Man had an Eſtate there, which in all likelihood would have made him more vigorous in reducing the Kingdom. It was long after this Army was rais'd, before they could be ready to be tranſported; and even then it was commonly ſaid that *Schomberg* found many things out of order: and when they were at laſt tranſported, which was about the middle of *Auguſt*, they were not in a condition to fight the Enemy, tho lately baffled before *Londonderry*, eſpecially their Carriages coming not to them till the 24*th* of *September*, when it was high time to go into Winter-quarters. By this means the *Iriſh* got Strength and Courage, and three fourths of our Army periſh'd at the Camp at *Dundalk*.

Commiſſions for raiſing of Forces.

But tho our Army could do nothing, yet the Militia of the Country, almoſt without Arms or Clothes, perform'd Miracles, witneſs that memorable Siege of *Londonderry*, the defeat of General *Mackarty*, who was intrench'd in a Bog with ten thouſand regular Troops, and attack'd by fifteen hundred *Inniskilling* Men, defeated, himſelf made a Priſoner, and three thouſand of his Men kill'd; and a great many other gallant Actions they perform'd, for which they were diſmiſs'd by *Kirk* with Scorn and Ignominy, and moſt of their Officers left to ſtarve. Thus the War in *Ireland* was nurs'd up, either thro Chance, Inadvertency, or the neceſſity of our Affairs (for I am unwilling to think it was Deſign) till at laſt it was grown ſo big, that nothing leſs than his Majeſty's great Genius, and the uſual Succeſs that has always attended his Conduct, could have overcome it.

Mackarty *defeated by the* Inniſkilling-*men.*

When the Parliament met that Winter, they fell upon the examination of the *Iriſh* Affairs; and finding Commiſſary *Shales* was the Cauſe of a great part of the Miſcarriages, they addreſs'd his Majeſty that he would be pleas'd to acquaint the Houſe who it was that adviſ'd the imploying him, which his Majeſty did not remem-

ber. They then addreſs'd, that he would be pleas'd to order him to be taken into Cuſtody, and it was done accordingly: Upon which *Shales* ſent a Letter to the Speaker, deſiring he might be brought over to *England*, where he would vindicate himſelf, and juſtify what he had done. Then the Houſe addreſs'd his Majeſty again, that he might be brought over with all convenient ſpeed; and the King was pleas'd to anſwer, that he had given ſuch Orders already. Then the Houſe refer'd the Matter to a private Committee; but before any Report made, or *Shales* could be brought to *England*, the Parliament was prorogu'd, and after diſſolv'd; and ſoon after he fell ſick and died.

The neglect of *Ireland* this Year made it neceſſary to raiſe more Forces, and increaſe our Eſtabliſhment, which afterwards, upon pretence of invading *France*, was advanc'd to eighty ſeven thouſand ſix hundred ninety eight Men. At laſt by our great Armies and Fleets, and the conſtant Expence of maintaining them, we were too hard for the Oeconomy, Skill and Policy of *France*; and notwithſtanding all our Difficulties, brought them to Terms both Safe and Honorable.

It not being to the purpoſe of this Diſcourſe, I ſhall omit giving any account of the Conduct of our Fleet during this War, how few Advantages we reap'd by it, and how many Opportunities we loſt of deſtroying the *French*: Only thus much I will obſerve, tho a great part of it may be attributed to the Negligence, Ignorance, or Treachery of Inferior Officers, yet it could not ſo univerſally happen thro the whole courſe of the War, and unpuniſh'd too, notwithſtanding the Clamours of the Merchants, and repeated Complaints in Parliament, unleſs the Cauſe had laid deeper: What that is, I ſhall not preſume to enquire; but I am ſure there has been a very ill Argument drawn from it, *viz. That a Fleet is no Security to us.*

Foreign Forces diſcharg'd after the Peace in Ireland.

As ſoon as the Peace was made, his Majeſty diſcharg'd a great part of the foreign Forces; and an Advertiſement was publiſh'd in the *Gazet*, that ten Regiments ſhould be forthwith disbanded; and we were told, as ſoon as it was done, that more ſhould follow their Example. But theſe Reſolutions it ſeems were alter'd, and the modiſh Language was, that we muſt keep up a *Standing Army*. Their Arguments were turn'd topſy-turvy; for as during the War the People were prevail'd upon to keep up the Army in hopes of a Peace, ſo now we muſt keep them up for fear of a War.

The Condition of *France*, which they had been decrying for many Years, was now magnify'd: We were told, that it was doubtful whether the *French* King would deliver up any of his Towns; that he was preparing a vaſt Fleet upon the Lord knows what Deſign; that it was impoſſible to make a Militia uſeful: That the warlike King *Jemmy* had an Army of eighteen thouſand *Iriſh* Heroes in *France*, who would be ready when call'd for, and that the King of *Spain* was dying. The Members of Parliament were diſcours'd with as they came to Town; 'twas whiſper'd about, that the Whigs would be all turn'd out of Imployments: A new Plot was ſaid to be diſcover'd for murdering the King, and ſearches were made at Midnight thro the whole City, to the diſcovery of plenty of Fornicators, but no Traytors. The Place-mongers conſulted among themſelves, and found by a wonderful Sympathy they were all of one Opinion; and if by any means they could get a few more to be of the ſame, the day was their own: So they were poſitive of Succeſs, and very ſure they ſhould carry it by above a hundred Voices.

Debates in the H. of Com. about disbanding all the Forces.

The Houſe had not ſat a week but this Matter came to be debated; and the Queſtion in the Committee was, *Whether all Forces rais'd ſince the Year* 80 *ſhould be diſbanded?* Which was carry'd in the Affirmative, the Court being not able to bring it to a Diviſion; and the next day when it was reported, they did not attempt to ſet aſide the Vote, but to recommit it, upon pretence it tied the King to the old Tory Regiments (tho by the way, none of thoſe Regiments have been ſince diſbanded) and ſome ſaid they thought the Forces in 80 too many. I can ſafely ſay, tho I had frequent diſcourſe with many of them, yet I never heard any one of them at that time pretend to be for a greater Force than this Vote left the King: But let what will be their Reaſons, it was carried againſt them by a majority of 37, the Affirmatives being 185, and the Negatives 148. I will not here take notice of what ſome People have ſaid, *viz. That of the* 148 *who were for recommitting the Vote,* 116 *had Places*, becauſe I doubt the Fact; nor do I believe their Places would biaſs them.

This was a thorow Victory, and requir'd great skill and addreſs to retrieve. The Fears of *France* were again multiply'd; and 'twas ſaid there was a private Article

ticle that King *James* was to leave *France*, which the *French* refus'd to perform; that *Boufflers* and the Earl of *Portland* had given one another the Lie; that ſome of the latter's Retinue had been kill'd; that the *French* Ambaſſador was ſtop'd, the King of *Spain* dead, and abundance more to this purpoſe. The Club was ſet up at the R——, great Applications made; the Commiſſion of the Exciſe was declar'd to be broke (by which nine Commiſſioners Places were to be diſpos'd of, and above forty Perſons nam'd for them) and many of the Country Gentlemen were gone home. Thus recruited they were ready for a new Encounter: and ſince by the Rules of the Houſe they could not ſet aſide the former Vote directly, they'd try to do it by a ſide Wind; which was by moving, that Directions might be given to the Committee of Ways and Means to conſider of a Supply for Guards and Gariſons: But the other ſide, to obviate this, offer'd theſe words as an Amendment, *viz.* *According to the Vote of Decemb.* 11. This Matter was much labour'd, and the Gentlemen that were againſt the Army explain'd themſelves, and declar'd, they were not for obliging the King to the Regiments in 80; but that they only inſiſted on the Number, and he might chuſe what Regiments he pleas'd. By this means they carry'd it, but not without great oppoſition (tho I preſume from none of thoſe Gentlemen who declar'd in all Places, they were for recommitting the former Vote only for the Reaſons before given) beſides, they were forc'd to explain themſelves out of a conſiderable part of it, for they allow'd the King the *Dutch* Regiments, and the *Tangeriners*: which in my Opinion could not be well underſtood by the former Vote; the meaning of which ſeems to be, that the King ſhould have all the Forces that *Charles* the Second had in 80 in *England*, and theſe were not then here; the *Holland* Regiments being paid by the States, and their Soldiers; and the others 500 Leagues off at *Tangier*. But all this Advantage would not ſatisfy the Army-Gentlemen; for in the Committee they endeavour'd again to ſet aſide the Vote, by moving for a Sum of 500000 Pounds *per annum* for Guards and Gariſons, without naming any certain number (which would have maintain'd above 20000) but this could not be carried: therefore they came to a ſort of Compoſition, to have but 10000, whereof a great number were to be Horſe and Dragoons; and the Sum given to maintain them was 350000 Pounds. But notwithſtanding this, they mov'd afterwards for 3000 Marines (alledging that theſe were not a Land-Force, but a Water-Force) which was carried.

Courtiers for Standing Forces.

Here I would beg leave to obſerve one thing, that nothing would ſatisfy the Courtiers at the beginning of the Winter, but to have the Forces eſtabliſh'd by the Parliament, and upon other terms they would not accept them; and in all Companies ſaid, that any Miniſter that advis'd the King to keep them up otherwiſe, or any Officer that continu'd his Commiſſion, ought to be attainted of High Treaſon: About which I ſhall not differ with theſe Gentlemen, nor do I arraign them for altering their Opinion; for perhaps they may conceive that a Vote to give 350000 Pounds for Guards and Gariſons, is a ſufficient Authority againſt Law to quarter Soldiers in all parts of *England*, as well out of Gariſons as in 'em, and as well at a diſtance from the King's Perſon as about it.

Thus what our Courts for above a thouſand Years together had never Effrontery enough to ask; what the Penſioner Parliament could not think of without aſtoniſhment, what King *James*'s Parliament (that was almoſt choſen by himſelf) could not hear debated with patience, we are likely to have the honour of eſtabliſhing in our own Age, even under a Deliverance.

Managers of the Houſe.

Now we will examine how far they have comply'd with the Reſolutions of the Houſe of Commons. Having ſo far gain'd upon the firſt Vote by the means before related, 'twas not eaſy to be imagin'd but they would nicely perform the reſt without any Art or Evaſion: But inſtead of this, they reform'd a certain number of Men out of every Troop and Company, and kept up all the Officers who are the moſt eſſential and chargeable part of an Army, the private Soldiers being to be rais'd again in a few days whenever they pleaſe. This is ſuch a diſbanding as every Officer would have made in his Company for his private Advantage, and always did in *Charles* the Second's Time, and even in this Reign when they were not in action: So that all the effect of ſuch a Reform, is to hinder the Officers from falſe Muſters, and ſave the Pay of a few common Soldiers.

More Forces to be ſent to Ireland.

But this would not ſatisfy the People, and therefore they diſbanded ſome Regiments of Horſe, Foot and Dragoons, and thought of that profound Expedient of ſending a great many more to *Ireland*; as if our Grievance was not the fear of being enſlav'd by them, but leſt they ſhould ſpend their Mony among us. I am ſorry

ſorry the Nation is grown ſo contemptible in theſe Gentlemens Opinions, as to think that they can remove our fears of a *Standing Army* by ſending them three-ſcore miles off, from whence they may recal them upon a few days notice. Nay, an Army kept in *Ireland*, is more dangerous to us than at home: for here, by perpetual converſe with their Relations and Acquaintance, ſome few of them perhaps may warp towards their Country; whereas in *Ireland* they are kept as it were in a Gariſon, where they are ſhut up from the Communication of their Countrymen, and may be nurs'd up in another Intereſt. This is ſo true, that 'tis a common Policy among Arbitrary Princes often to ſhift their Soldiers Quarters, leſt they ſhould contract Friendſhip among the Natives, and by degrees fall into their Intereſt.

It may be ſaid perhaps, That the People of *Ireland* will pay them; which makes the matter ſo much the worſe, for they are leſs likely to have any regard to their Country. Beſides, if we conſider the Lords Juſtices Speech to that Parliament, wherein they are let know that his Majeſty *EXPECTS* that they will continue the Subſiſtence to the disbanded Officers, and ſupport the preſent Eſtabliſhment (which by the way is near three times as great as *Charles* the Second's) and this without any other Ceremony or Qualification of Time (with which his Majeſty was pleas'd to expreſs himſelf to his *Engliſh* and *Scotch* Parliaments) we may be convinc'd that they are not in a condition to diſpute this Matter, eſpecially at a time when they apprehend Hardſhips will be put upon them in relation to their Trade; and therefore we may be ſure they will gratify the Court to the utmoſt of their Power, in hopes, if they can't prevent the paſſing a Law againſt them, to obtain a connivance in the Execution. We may add, by this means they will keep their Mony in their own Country, a great part whereof came formerly to *England*, and have an opportunity of returning the Complement we deſign'd them laſt Year, if we don't prevent it by disbanding the Army there, as *Strafford*'s Army in *Ireland* was formerly in the 15*th* of *Charles* the Firſt, and lately another in 78 by our *Engliſh* Parliaments.

Pretences of ſending Forces into Ireland.

I can't avoid taking notice here, how different the modiſh Sentiments are in *Ireland* and *England*: for there the Language is, We muſt comply with the Court in keeping up the Army, or elſe the Woollen Manufacture is gone; and here the Men in faſhion tell us, that an Army muſt be kept in *Ireland* to deſtroy the Woollen Manufacture, and execute the Laws we make againſt them; and in order to it the People of *Ireland* are to pay them.

This Project of ſending Men to *Ireland* was ſo tranſparent, that they durſt not rely upon it; and therefore they told us, that as faſt as Mony could be got they would disband more Regiments. The People were in great expectation when it would be done, and ſeveral times it was taken notice of in Parliament; and the Courtiers always aſſur'd them, nothing hindred it but the want of Mony to pay them off. 'Twas confidently ſaid in all publick Places, that eighteen Regiments more would be disbanded, and the Regiments were nam'd; and I have heard it with great Aſſurance affirm'd, by the Agents and Officers themſelves, that the King had ſign'd it in Council. Thus the Seſſion was worn out, till the Houſe of Commons tir'd with Expectation, addreſs'd his Majeſty, *That he would be pleas'd to give order that a Liſt be laid before the Houſe of the Army disbanded, and intended to be disbanded, and of the Officers Names who are to have half pay:* and his Majeſty was pleas'd to anſwer, *That he would comply with the Deſires of the Houſe as ſoon as conveniently he could.* But the Parliament ſitting not above a Month afterwards, his Majeſty ſent them no farther Anſwer.

Foreign Forces ſent into Ireland.

At laſt the Parliament roſe, and inſtead of disbanding, they brought over a great many Foreign Regiments, and ſent them to *Ireland*, as well as three more *Engliſh* ones. But even all this would not bring their Army in *England* down to ten thouſand Men; ſo that they made another Reform, and ſince have incorporated the Officers of the disbanded Regiments in *Ireland* into the Standing Troops, by which means they have got an Army of Officers: Whereas if theſe Gentlemen deſign their Army to defend us againſt a ſudden Invaſion, or to be in readineſs againſt the King of *Spain*'s death; in my poor Opinion they ſhould have kept up the private Soldiers, and disbanded all the Officers but ſuch as were juſt neceſſary to exerciſe them; for Officers will be always ready to accept good Imployments, whereas the private Soldiers will be very difficultly liſted again in a new War, tho we all know they are eaſily to be got together when they are only to inſult their Countrymen.

One

One good Effect of this Army has already appear'd; for I presume every body has heard how prevailing an Argument it was in the late Elections, *That if we choose such a Man, we shall be free from Quarters*; and I wish this Argument does not every day grow stronger. Nay, who knows but in another Reign the Corporations may be told that his Majesty *expects* they will chuse the Officers of the Army, and the Parliament be told that he *expects* they will maintain them?

But to set this Matter in a full view, I will here put down the Establishment of King *Charles* the Second in 88, which was the Foundation of the Vote of the 11*th* of *December*, as also his present Majesty's: And in this, as well as my other Computations, I do not pretend but I may be mistaken in many Particulars, tho I have taken what care I could not to be so; nor is it material to my purpose, so the Variation from Truth is not considerable.

I shall also set down King *William*'s Establishment as the Regiments were before the Reform, because all the Officers still remain, and a great part of the private Soldiers, which I take to be in effect full Regiments; the rest being to be rais'd again in a few days if they are design'd for home Service; but, as I said before, the hardest to be got if they are design'd for *Spain* or *Flanders*. But herein if any Man differs from me, he may make his own Deductions.

The Establishment of Charles *the Second in* England *in the Year Eighty.*

Horse and Dragoons in England.	*Troops and Companies.*	*Commission Officers.*	*Non-Commis. Officers.*	*Private Men.*	*Total Number.*
Troops of Guards	3	48	15	600	666
The Royal Regiment of Horse	8	34	40	400	474
A Troop of Dragoons rais'd in *July* 1680.	1	4	8	40	52
Total Horse and Dragoons	12	86	63	1040	1189
Foot in England.					
Gentlemen Pensioners	1	6	0	40	46
Yeomen of the Guard	1	7	0	100	107
The first Regiment of Foot-Guards	24	75	192	1440	1707
The *Coldstream* Regiment	12	39	96	720	855
The Duke of *York*'s Regiment	12	39	96	630	765
The *Holland* Regiment	12	39	96	600	735
Independent Companies	26	78	208	1260	1546
Total Foot in *England.*	88	283	688	4790	5761

King Charles *the Second's Establishment in* Ireland *in the Year Eighty.*

Troops of Horse	24	96	196	1080	1372

His Foot in Ireland.	*Troops and Companies.*	*Commiſ. Officers.*	*Non-Commiſ. Officers.*	*Private Men.*	*Total Number.*
Yeomen of the Guard	1	3	0	60	63
A Regiment of Guards	12	40	99	1120	1259
Single Companies	74	222	444	4440	5166
Total Foot in *Ireland*	87	265	543	5620	6428

I have not here put down the Gariſon of *Tangier*, which was about three thouſand Men, becauſe that Place is now loſt, and conſequently wants no Gariſon.

I will now ſet down his preſent Majeſty's Eſtabliſhment, and then compare them both together.

Horſe and Dragoons upon the Engliſh *Eſtabliſhment.*					
Three Troops of Horſe Guards	3	48	15	600	663
One Troop of Dutch Guards	1	15	5	200	220
One Troop of Horſe Granadiers	1	11	20	180	211
Lord *Oxford*'s Regiment	9	40	45	531	616
Lord *Portland*'s Horſe Dutch Regiment	9	42	54	603	699
Lumley's Regiment	9	40	45	531	616
Wood's	6	28	36	354	412
Arran's	6	28	36	354	412
Windham's	6	28	36	354	412
Schomberg's	6	28	36	354	412
Macclesfield's	6	28	36	354	412
Raby's Dragoons	8	37	72	480	589
Flood's Dragoons	8	37	72	480	589
Lord *Eſſex*'s Dragoons	8	37	72	480	589
Total Horſe and Dragoons in *England*	86	447	580	5855	6876

Foot on the Engliſh *Eſtabliſhment.*					
Gentlemen Penſioners	1	6	0	40	46
Yeomen of the Guard	1	7	0	100	107
Lord *Rumney*'s four Battalions	28	99	222	2240	2563
Lord *Cutts*'s two Battalions	14	51	112	1120	1283
The blew Guards a Dutch Regiment, four Battalions	26	96	208	2366	2670
Earl of *Orkney*'s a Scotch Regiment	26	83	208	1560	1656
Selwin's	13	44	104	780	928
Churchil's	13	44	104	780	928
Trelawney's	13	44	104	780	928
Earle's	13	44	104	780	928
Seymour's	13	44	104	780	928
Colt's	13	44	104	780	928
Mordant's	13	44	104	780	928
Sir *David Collier*'s	13	44	104	780	928
Sir *Charles Haro*'s Fuſileers in *Jerſey*	13	46	104	780	930
Collingwood's	13	46	104	780	928
A Company at *Upnor* Caſtle	1	2	6	50	58
Total Foot in *England*.	227	793	1796	15276	17865

Horſe

Horse and Dragoons upon the *Irish* Establishment.	*Troops and Companies.*	*Commis. Officers.*	*Non-Commis. Officers.*	*Private Men.*	*Total Number.*
Luson's	6	42	30	354	412
Langston's	6	42	30	354	412
Lord *Galloway's* a *French* Regiment	9	113	45	531	689
Ross's Dragoons	8	37	72	480	589
Ecklins's	8	37	72	480	589
Cunningham's	8	37	72	480	589
Mermon's a *French* Regiment.	8	74	144	480	698
Total Horse and Dragoons in *Ireland*	53	338	465	3159	3962

Foot upon the *Irish* Establishment, with the disbanded Officers incorporated.

Fairfax's	13	66	104	780	950
Collumbine's	13	66	104	780	950
Webb's	13	66	104	780	950
Granvill's	13	66	104	780	950
Brewer's	13	66	104	780	950
Jacob's	13	66	104	780	950
How's	13	66	104	780	950
Steward's	13	66	104	780	950
Hanmore's	13	66	104	780	950
Titcomb's	13	66	104	780	950
Stanley's	13	66	104	780	950
Bridges's	13	66	104	780	950
Fr. *Hamilton's*	13	66	104	780	950
Ingoldsby's	13	66	104	780	950
Pisar's	13	66	104	780	950
Bellasis's	13	66	104	780	950
Gustavus Hamilton's	13	66	104	780	950
Tiffany's	13	66	104	780	950
Martoon's a *French* Regiment	13	83	104	780	967
Lamellioneer's a *French* Regiment	13	83	104	780	967
Belcastle's a *French* Regiment	13	83	104	780	967
Holt's Regiment in the *West-Indies*, which is not upon the *Irish* Establishment	13	44	104	780	928
Total Foot in *Ireland*	286	1481	2288	17160	20929

I will now compare both Establishments together.

Charles the 2*d*'s Horse in Eighty in *England*	12	86	63	1040	1189
His Foot in *England*	88	283	688	4790	5761
His Horse and Foot in *England*	100	369	751	5830	6950

His Establishment in Ireland.

His Horse in *Ireland*	24	96	196	1080	1372
His Foot in *Ireland*	87	265	543	5620	6428
His Horse and Foot in *Ireland*	111	361	739	6700	7800

All

All his Army in England *and* Ireland.	*Troops and Companies.*	*Commission Officers.*	*Non-Commiſſ. Officers.*	*Private Men.*	*Total Number.*
His Horſe in *England* and *Ireland*	36	182	259	2120	2561
His Foot in *England* and *Ireland*	175	548	1231	10410	12189
All his Army in *England* and *Ireland*	211	730	1490	12530	14750

King William's *Eſtabliſhment.*

His Horſe in *England*	86	441	580	5855	6876
His Foot in *England*	227	793	1796	15276	17865
All his Forces in *England*	313	1234	2376	21131	24741

His Eſtabliſhment in Ireland.

His Horſe in *Ireland*	53	338	465	3159	3962
His Foot in *Ireland*	286	1481	2288	17160	20929
All his Forces in *Ireland*	339	1819	2753	20319	24891

All his Army in England *and* Ireland.

His Horſe and Dragoons in *England* and *Ireland*	139	779	1045	9014	10838
His Foot in *England* and *Ireland*	513	2274	4084	32436	38794
All his Army in *England* and *Ireland*	652	3053	5129	41450	49632

So that his preſent Majeſty in *England* and *Ireland* alone, has above three times as many Troops and Companies as *Charles* the Second had in the year Eighty, almoſt five times as many Commiſſion Officers, near four times as many Non-Commiſſion Officers: and when the Commanders ſhall have Orders to recruit their Companies, will have more than three times the number of common Soldiers, beſides the diſbanded Officers which are not incorporated into other Regiments; and upon the Eſtabliſhment they now ſtand, are as much Creatures to the Court, as if their Regiments were in being.

His Majeſty's Forces in Scotland, *which in the Year Eighty conſiſted of* 2806 *Men.*

The Troop of Guards	1	15	5	120	140
The Royal Regiment of Dragoons	8	37	72	320	429
Jedborough's Dragoons	6	27	54	240	321
The Royal Regiment of Foot Guards	16	51	128	912	1091
Rew's Fuſileers	16	51	128	640	819
Collier or *Hamilton*'s	16	51	128	640	819
Maitland's	16	51	128	640	819
In Gariſons	4	12	24	295	331
All his Forces in *Scotland*	83	295	667	3807	4769

Theſe Forces are as they are now reduc'd and allow'd by the Parliament of *Scotland*, for Reaſons beſt known to themſelves; which without doubt muſt be very good

good ones: and 'tis commonly said, that ten Privy Counsellors of that Kingdom, who appear'd against the Army, are turn'd out of the Council; which, if true, I presume will be a sufficient warning to our Gentlemen at home.

However, there is this use in the *Scotch* Army, that if the Parliament of *England* shall be prevail'd on to think any Forces necessary, a lesser number will be sufficient.

His Majesty's Forces in Holland.	*Troops and Companies.*	*Commission Officers.*	*Non-Commis. Officers.*	*Private Men.*	*Total Number.*
Lawder's	13	44	104	780	928
William Collins	13	44	104	780	928
Murray's	13	44	104	780	928
Ferguson's	13	44	104	780	928
Stranaver's	13	44	104	780	928
	13	44	104	780	928
All the Forces in *Holland.*	78	264	624	4680	5568
☞ So that his Majesty's whole Army consists of	813	3612	6420	49937	59969

Of these seven thousand, eight hundred, and seventy seven, are Foreigners, which is the first foreign Army that ever set foot in *England* but as Enemies.

Since the writing of this I am inform'd, that *Brudenal*'s Regiment is in being, and that *Eppinger*'s Dragoons are in *English* Pay, which if true, will make the whole Army sixty odd thousand Men: but in this as well as many other Parts of the List I may be mistaken, for which I hope I shall be excus'd, when I acquaint the Reader that I was forc'd to pick it out from accidental Discourses with Officers, having apply'd to my Lord *R*——'s Office without Success, tho I made such Interest for it as upon another occasion would not have been refus'd.

If the Prince of *Orange* in his Declaration, instead of telling us that we should be settl'd upon such a Foundation that there should be no danger of our falling again into Slavery, and that he would send back all his Forces as soon as that was done, had promis'd us that after an eight Years War (which would leave us in Debt near twenty Millions) we should have a Standing Army establish'd, a great many of which should be Foreigners, I believe few Men would have thought such a Revolution worth the hazard of their Lives and Estates: But his mighty Soul was above such abject thoughts as these; his Declaration was his own, these paltry Designs are our Undertakers, who would shelter their own Oppressions under his sacred Name.

No danger of Slavery but by an Army.

I would willingly know whether the late King *James* could have inslav'd us but by an Army, and whether there is any way of securing us from falling again into Slavery but by disbanding them. It was in that Sense I understood his Majesty's Declaration, and therefore did early take up Arms for him, as I shall be always ready to do. It was this alone which made his Assistance necessary to us, otherwise we had wanted none but the Hangman's.

I will venture to say, that if this Army does not make us Slaves, we are the only People on Earth in such Circumstances that ever escap'd it with the *4th* part of their number. It is a greater Force than *Alexander* conquer'd the *East* with, than *Cæsar* had in his Conquest of *Gaul*, or indeed the whole *Roman* Empire; double the number that any of our Ancestors ever invaded *France* with, *Agesilaus* the *Persians*, or *Huniades* and *Scanderbeg* the *Turkish* Empire; as many again as was in any Battel between the *Dutch* and *Spaniards* in forty Years War, or betwixt the King and Parliament in *England*; four times as many as the Prince of *Orange* landed with in *England*; and in short, as many as have been on both sides in nine Battels of ten that were ever fought in the World. If this Army does not inslave us, it is barely because we have a virtuous Prince that will not attempt it; and 'tis a most miserable thing to have no other Security for our Liberty, than the Will of a Man, tho the most just Man living:

for that is not a free Government where there is a good Prince (for even the most arbitrary Governments have had ſometimes a Relaxation of their Miſeries) but where it is ſo conſtituted, that no one can be a Tyrant if he would. *Cicero* ſays, tho a Maſter does not tyrannize, yet 'tis a lamentable conſideration that it is in his Power to do ſo; and therefore ſuch a Power is to be truſted to none, which if it does not find a Tyrant, commonly makes one; and if not him, to be ſure a Succeſſor.

Whigs Principles in K. Charles II. Reign.

If any one during the Reign of *Charles* the Second, when thoſe that were call'd Whigs, with a noble Spirit of Liberty, both in the Parliament Houſe and in private Companies, oppos'd a few Guards as Badges of Tyranny, a Deſtruction to our Conſtitution, and the Foundations of a Standing Army: I ſay, if any ſhould have told them that a Deliverer ſhould come and reſcue them from the Oppreſſions under which they then labour'd; that *France* by a tedious and conſumptive War ſhould be reduc'd to half the Power it then had; and even at that time they ſhould not only be paſſive, but uſe their utmoſt Intereſt, and diſtort their Reaſon to find out Arguments for keeping up ſo vaſt an Army, and make the Abuſes of which they had been all their Lives complaining, Precedents to juſtify thoſe Proceedings; whoever would have told them this, muſt have been very regardleſs of his Reputation, and been thought to have had a great deal of ill nature. But the truth is, we have liv'd in an Age of Miracles, and there is nothing ſo extravagant that we may not expect to ſee, when ſurly Patriots grow ſervile Flatterers, old Commonwealthſmen declare for the Prerogative, and Admirals againſt the Fleet.

Pretences for the Standing Forces.

But I wonder what Arguments in nature our Hirelings will think of for keeping up an Army this Year. Good Reaſons lie within a narrow Compaſs, and might be gueſſed at; but Nonſenſe is infinite. The Arguments they chiefly inſiſted upon laſt Year were, That it was uncertain whether the *French* King would deliver up any of his Towns if we disbanded our Army; that King *James* had 18000 Men at his Devotion kept by the King of *France*; that a great Fleet was preparing there upon ſome unknown Deſign; that the King of *Spain* was dying; that there was no Militia ſettl'd; and that they would keep them up only for a Year to ſee how the World went. This with a few Lies about my Lord *Portland*'s and *Bouffler*'s quarrelling, and ſome Prophecies of our being invaded in ſix Months, was the Subſtance of what was ſaid or printed.

Places given up by the French.

Now in fact the *French* King has deliver'd up *Giron*, *Roſes*, *Belver*, *Barcelona*, and a great part of the Province of *Catalonia*; the Town and Province of *Luxemburg*, and the County of *Chiny*; the Towns of *Mons*, *Charleroy*, *Courtray*, and *Aeth* in the *Spaniſh* Provinces, to the King of *Spain*.

The Town of *Dinant* to the Biſhop of *Leige*.

The Towns of *Pignerol*, *Cazal*, *Suſa*, *Montmelian*, *Nice*, *Villa Franca*, all *Savoy*, and part of *Piemont* to the Duke of *Savoy*.

The Cities of *Treves*, *Germenſheim*, and the Palatinate; the County of *Spanheim*, *Veldentz*, and Dutchy of *Deuxponts*; the County of *Mombelliand*, and ſome Poſſeſſions of *Burgundy*; the Forts of *Kiel*, *Friburg*, St. *Peterfort*, *Deſtoile*; the Town of *Philipsburg*, and moſt of *Alſace*, *Eberenburg*, and the Dutchy of *Lorrain* to the Empire: has demoliſh'd *Hunningen*, *Montroyal* and *Kernburg*.

He has deliver'd up the Principality of *Orange* to the King of *England*.

Theſe are vaſt Countries, and contain in bigneſs as much ground as the Kingdom of *England*, and maintained the King of *France* above 100000 Men; beſides, he had laid out vaſt Sums in the Fortifications he deliver'd up and demoliſh'd. Add to this, his Kingdom is miſerably impoveriſh'd and depopulated by this War; his Manufactures much impair'd; great Numbers of Offices have been erected, which like Leaches draw away the Peoples Blood; prodigious Debts contracted, and a moſt beneficial Trade with *England* loſt. Theſe things being conſider'd, there can be little danger of their ſhewing overmuch Wantonneſs, eſpecially for ſome Years: yet ſtill we muſt be bullied by the name of *France*, and the Fear of it muſt do what their Power could never yet effect: which is a little too groſs, conſidering they were inſlav'd by the ſame means. For in *Lewis* the 11*th*'s time, the *French* gave up their Liberties for fear of *England*, and now we muſt give up ours for fear of *France*.

Secondly, Moſt of King *James*'s *Engliſh* and *Iriſh* Forces which we have been ſo often threaten'd with, are disbanded; and he is ſaid to ſubſiſt upon his Majeſty's Charity, which will be a ſufficient Caution for his good Behaviour.

Thirdly,

Thirdly, The *French* Fleet, which was another Bugbear, exceeded not this Year twenty Sail, nor attempted any thing, tho we had no Fleet out to oppose them.

Fourthly, The King of *Spain* is not dead, nor in a more dangerous Condition than he has been for some Years; and we are not without hopes that his Majesty by his extraordinary Prudence has taken such care as to prevent a new War in case he should die.

Fifthly, As to the Militia, I suppose every Man is now satisfy'd that we must never expect to see it made useful till we have disbanded the Army. I would not be here understood to throw the whole Odium of that matter upon the Court, for there are several other Parties in *England* that are not overzealous for a Militia. First, Those who are for restoring King *James*'s Trumpery, and would have the Army disbanded, and no Force settled in the room of it. Next, there are a mungrel sort of Men who are not direct Enemies to the King, yet because their fancied Merit is not rewarded at their own Price, they are so shagreen that they will not let him have the Reputation of so noble an Establishment. Besides these, there are others that having no Notion of any Militia but our own, and being utterly unacquainted with antient and modern History, think it impracticable: and some wretched things are against it because of the Charge; whereas if their Mothers had taught them to cast account, they would have found out that 52000 Men for a Month will be but the same charge to the Subject as four thousand for a Year, supposing the Pay to be the same; and reckoning it to be a third part greater, it will be equivalent to the Charge of 6000: And if we should allow them to be out a Fortnight longer than was design'd by the last Bill for exercising in lesser Bodies, then the utmost Charge of such a Militia will be no more than to keep up 9000 Men the year round. None of the Parties I mention'd will openly oppose a Militia, tho they would be all glad to drop it; and I believe no body will be so hardy as to deny, but if the Court would shew as much Vigor in prosecuting it, as they did last Year to keep up a *Standing Army*, that a Bill would pass; which they will certainly do if we disband the Army, and they think it necessary; and if they do not, we have no reason to think an Army so. When they tell us we may be invaded in the mean time, they are not in earnest; for we all know if the King of *France* has any Designs, they look another way: Besides, he has provided no Transports, nor is in any readiness to make an Invasion; and if he was, we have a Fleet to hinder him; nay, even the Militia we have in *London* and some other Counties, are moderately exercis'd: and I believe those who speak most contemptibly of them, will allow 'em to have natural Courage, and as good Limbs as other People; and if they will allow nothing else, then here is an Army of a hundred or sixscore thousand Men ready listed, regimented, hors'd and arm'd: and if there should be any occasion, his Majesty can put what Officers he pleases of the old Army over them, and the Parliament will be sitting to give him what Powers shall be necessary. We may add to this, that the disbanded Soldiers in all probability will be part of this Body; and then what fear can there be of a scambling Invasion of a few Men?

No hopes of making the Militia useful.

I have avoided in this place discoursing of the Nature of Militias, that Subject having been so fully handled already; only thus much I will observe, that a Standing Army in Peace will grow more effeminate by living dissolutely in Quarters, than a Militia that for the most part will be exercis'd with hard Labour. So that upon the whole Matter, a Standing Army in Peace will be worse than a Militia; and in War a Militia will soon become a disciplin'd Army.

Sixthly, The Army has been kept up for a Year, which is all was pretended to; and notwithstanding their Prophecies, we have had no Invasion, nor danger of one.

Lastly, The Earl of *Portland* and Marshal *Boufflers* were so far from quarrelling, that perhaps no *English* Ambassador was ever receiv'd in *France* with more Honour.

Accidents concurring for disbanding the Army now.

But further, there is a Crisis in all Affairs, which when once lost, is never to be retriev'd. Several Accidents concur to make the disbanding the Army practicable now, which may not happen again. We have a new Parliament, uncorrupted by the Intrigues of the Courtiers: Besides, the Soldiers themselves hitherto have known little but the Fatigues of a War, and have been so paid since, that the private Men would be glad to be disbanded; and the Officers would not be very uneasy at it, considering they are to have half Pay, which we must not expect from them hereafter when they have liv'd in Riot and Luxury. Add to this, we have a good

Prince, whose Inclinations as well as Circumstances will oblige him to comply with the reasonable Desires of his People. But let us not flatter our selves, this will not be always so. If the Army should be continu'd a few Years, they will be accounted part of the Prerogative, and 'twill be thought as great a Violation to attempt the disbanding them, as of the Guards in *Charles* the Second's Time; it shall be interpreted a Design to dethrone the King, and be made an Argument for keeping them up.

More Reasons for disbanding.

But there are other Reasons yet: The Publick Necessities call upon us to contract our Charge that we may be the sooner out of Debt, and in a condition to make a new War: and 'tis not the keeping great Armies on foot that will enable us to do so, but putting our selves in a capacity to pay them. We have had the experience of this in eight years War; for we have not been successful against *France* in one Battel, and yet we have weigh'd it down by mere natural Strength, as I have seen a heavy Country Booby sometimes do a nimble Wrestler: And by the same Method (not our Policy, Oeconomy, or Conduct) we must encounter them hereafter, and in order to it should put our selves in such Circumstances, that our Enemies may dread a new Quarrel, which can be no otherwise done, but by lessening our Expences, and paying off the Publick Engagements as fast as we are able. 'Tis a miserable thing to consider that we pay near 4000000 *l.* a Year upon the account of Funds, no part whereof can be apply'd to the Publick Service, unless they design to shut up the *Exchequer*; which would not be very prudent to own. I would therefore ask some of our Men of Management; Suppose there should be a new War, how they propose to maintain it? For we all now know the end of our Line, we have nothing left but a Land-Tax, a Poll, and some few Excises, if the Parliament can be prevail'd on to consent to them. And for once I will suppose, that all together, with what will fall in a Twelvemonth, will amount to 3000000 *l.* and a half, which is not probable; and we will complement them, by supposing they shall not in case of a new War give above fourteen or fifteen *per cent.* for Premiums and Interest, then the Remainder will be 3000000 *l.* I believe I may venture to say, they will not be very fond of lessening the Civil List, and lose their Salaries and Pensions. Then if we deduct 700000 pounds *per annum* upon that account, there will be 2300000 pounds *per annum* for the use of the War, if the People pay the utmost Penny they are able. So that the Question will not be as in the last War, how we shall carry it on against *France* at large, but how 2300000 pounds shall be dispos'd of to the greatest Advantage; which I presume every one will believe ought to be in a good Fleet.

Necessity of a new War if the K. of Spain dies.

This leads me to consider what will be the best, if not the only way of managing a new War in case of the King of *Spain*'s Death, and a new Rupture with *France*; and I will suppose the Nation to be as perfectly free from all Incumbrances as before the War. Most Men at this time of day, I believe, will agree with me, that 'tis not our Business to throw Squibs in *Flanders*, send out vast Sums of Mony to have our Men play at bopeep with the *French*, and at best to have their Brains beat out against stone Walls: But if a War is necessary there, 'tis our Interest to let the *Dutch* and *Germans* manage it, which is proper for their Situation, and let our Province be to undertake the Sea. Yet if we have not Wit and Honesty enough to make such a Bargain with them, but that we bring our selves again to a necessity of maintaining Armies there, we may hire Men from *Germany* for half the Price we can raise them here, and they will be sooner ready than they can be transported from hence, that Country being full of Men, all Soldiers inur'd to Fatigue, and serving for much less Pay than we give our own: Besides, we shall carry on the War at the Expence of others Blood, and save our own People, which are the Strength and Riches of all Governments; we shall save the Charge of providing for the Officers when the War is done, and not meet with such Difficulties in disbanding them.

Project of sending Forces into Spain and Flanders.

There are some Gentlemen that have started a new Method of making War with *France*, and tell us it will be necessary to send Forces to *Spain* to hinder the *French* from possessing that Country; and therefore we must keep them up here to be ready for that Service: which by the way is acknowledging the Horse ought to be disbanded, since I presume they don't design to send them to *Spain*. But to give this a full Answer, I believe it is every one's Opinion that there ought to be a strong Fleet kept up at *Calis*, or in the *Mediterranean*, superior to the *French*; and then 'twill be easier and cheaper to bring the Emperor's Forces by the way of *Final* to *Spain*, than to send Men from hence; and they are more likely to be acceptable there, being of the

the ſame Religion, and Subjects to the Houſe of *Auſtria*; whereas 'tis to be fear'd our Men would be in as much danger from that bigotted Nation as from the *French*: Beſides, the King of *Portugal* is arming for his own defence; and a Sum of Mony well diſpos'd there, will enable him to raiſe double the Forces upon the ſpot as can be ſent from hence with the ſame Charge.

But for once I will admit it neceſſary we ſhould ſend Forces both to *Flanders* and *Spain*; yet 'tis no Conſequence that we muſt keep up a *Standing Army* in *England* till that time comes. We may remember *Charles* the Second rais'd between twenty and thirty thouſand Men to fight againſt *France* in leſs than forty days; and the Regiments this King rais'd the firſt Year of his Reign were compleated in a very ſhort time: For my own part I am of Opinion, that a new Army may be rais'd before Ships and Proviſions will be ready for their Tranſportation, at leaſt if the management is no better than 'twas once upon a time; and perhaps it may happen that the King of *Spain* will not die in the Summer time, and then we ſhall have the Winter before us. We may add to this, that the King of *France* has disbanded a great many Men, that his Country now lies open in a great many Places; that the *Germans* and *Dutch* keep great numbers of Men in conſtant pay; and in all probability there will be a Peace with the *Turks*; That *Portugal* and the *Italian* Princes muſt enter into the Confederacy in their own defence; and that the *French* will lie under an equal neceſſity to raiſe Forces with a much leſs Country than in the former War, to oppoſe ſuch a mighty Union of Princes, who will attack him on the firſt Attempt he makes upon *Spain*.

And after all, what's the mighty Advantage we propoſe by keeping this Force? Why forſooth, having a ſmall number of Men more (for the Officers will always be ready, and now a great part of the private Soldiers are to be rais'd in caſe of a new War) ready ſix Weeks ſooner to attack *France*. And I durſt almoſt appeal to theſe Gentlemen themſelves, whether ſo ſmall a Ballance againſt *France* is equivalent to the hazard of our Liberties, deſtruction of our Conſtitution, and the conſtant Expence of keeping them up, to expect when the King of *Spain* will be pleas'd to die.

If theſe Gentlemen are really afraid of a new War, and don't uſe it as a Bugbear to fright us out of our Liberties, and to gain their little Party-ends, the way to bring the People into it heartily, is to ſhew them that all their Actions tend to the Publick Advantage, to leſſen the National Expences, to manage the Revenue with the greateſt Frugality, to poſtpone part of their own Salaries, and not grow rich while their Country grows poor, to give their hearty Aſſiſtance for appropriating the *Iriſh* Lands gain'd by the Peoples Blood and Sweat to the Publick Service, as was promis'd by his Majeſty, and not to ſhew an unhappy Wit in puniſhing ſome Men, and excuſing others for the ſame Fault, and ſpend three Months in Intrigues how to keep up a *Standing Army* to the dread of the greateſt part of the Nation: for let them fancy what they pleaſe, the People will never conſent to the raiſing a new Army till they are ſatisfy'd they ſhall be rid of them when the War is done; and there is no way of convincing them of that, but the disbanding theſe with willingneſs. When we ſee this done, we ſhall believe they are in earneſt, and the People will join unanimouſly in a new War; otherwiſe there will always be a conſiderable part of the Nation (whatever perſonal Honour they have for his Majeſty, or Fears of *France*) that will lie upon the Wheels with all their weight, and do them more harm than their Army will do them good.

The King's Character.

To conclude, we have a wiſe and virtuous Prince, who has always endeavour'd to pleaſe his People by taking thoſe Men into his Councils which they have recommended to him by their own Choice; and when their Intereſt has declin'd, he has gratify'd the Nation by turning them out. I would therefore give this ſeaſonable Advice to thoſe who were once call'd *Whigs*, that the way to preſerve their Intereſt with his Majeſty, is to keep it with the People; that their old Friends will not deſert them till they deſert their Country; which when they do, they will be left to their own proper Merits: and tho I am not much given to believing Prophecies, yet I dare be a Prophet for once, and foretel that then they will meet with the Fate of King *Phys.* and King *Uſh.* in the *Rehearſal*, *Their new Maſters will turn them off, and no Body elſe will take them.*

A Let-

Printed *Jan.* 169⅔.

A Letter to a Member of Parliament concerning Guards *and* Garisons.

SIR,

The Author once was for a Standing Army.

I Am not asham'd to own that I was once of Opinion that a *Standing Army* was necessary, nor that I owe my Conversion to the printed Controversy upon that Subject, which was manag'd very unequally. On the one side there appears throughout the whole that irresistible Spirit of Truth which is inseparable from a good Cause: On the other part, there is so much Prevarication, such mumbling of Thistles, and drawing in their Breath every moment, and withal such weak Arguments, lowness of Thought, and flatness of Expression, that the Reader might be tempted to think they had lost their Wits with their Integrity. But this Controversy is now at an end, since the whole Body of the People in two Parliaments have given a Sanction to the juster Opinion, and (with a true *Roman* Resolution worthy their Illustrious Predecessors, worthy the noblest, the manliest, the best Cause in the World, the Cause of Liberty) have declar'd, that they have Courage, Honesty and Wisdom enough to defend themselves, and that they want no Keepers. Nor was this Debate carry'd on with that Heat and Faction which is often found in popular Assemblies; no levelling at the Ministry, nor wreaking their private Discontents under the notion of Publick Service. But it was manag'd with that Gravity, that Sedateness, that Candour, and yet with that Noble Constancy, as might convince the whole World that their Resolutions were the Results of the most mature Consideration, and unshaken Love to their Country, and Zeal for Liberty. This is declaring in Characters legible to all *Europe*, that it was not private Resentment, popular Faction, or a propensity to change, but a just sense of our Country's Liberty, that made us throw off our late Allegiance. It shows that we did not expel our King, but that we depos'd a Tyrant. Whereas if we had been so transported by our Fortune, so debauch'd in our Understandings, and so destitute of all sense of Love and Honour due to our Native Country, as to have allow'd that to one King for which we depos'd another, we had been the Scorn and Reproach of Mankind, and justly call'd *Traytors*, *Cowards*, and *Fools*.

His Opinion of the Debates about a Standing Army.

The Affection the Parliament has shewn the King in several Instances.

However ungrateful this Vote may appear to Flatterers and Courtiers (who are but Insects bred and nourish'd out of the Corruption and Stench of bad Governments) yet I doubt not but his Majesty will consider it almost as the unanimous Opinion of that People who voluntarily offer'd him two most potent Crowns, set him at the head of the Force and Councils of the greatest Confederacy that has been ever united, and supported him through the War at a Charge that neither we nor our Forefathers ever knew, till at last they enabled him to humble his powerful Adversary, and bring him to Terms both safe and honourable. Nor did their Affection terminate with the War: For tho we were in debt near 20000000 *l.* they have increas'd the Civil List beyond what it was known in the Reigns of any of his Predecessors, and settled a great Revenue upon him for Life to support it. Nay, this very Parliament have given all the Testimony of their Duty which can be consistent with their Country's Safety: They have chosen a Speaker out of his own Family, and have left him 7000 Men for Guards and Garisons; which, if our Courtiers were honest, they would not so much as pretend to be necessary. For if we dare take the Word of a Noble Lord (who has never distinguish'd himself by his aversion to Arbitrary Power, or hatred to Armies) 3000 Men are enough to supply the Garisons, and double as many as were establish'd in *Charles* the Second's

Second's Time for that purpose. Then what Reason, or rather what Colour is there for 4000 Guards?

I will not enter upon so invidious a Subject, as that Guards about the King's Person are both unnecessary and dangerous, tho *Aristotle* has made it the distinguishing Mark of Arbitrary Power to have them, and many more Princes have been murder'd than protected by them; nay, even at this time in our neighbouring Country of *Spain*, tho the King has much more Power than we think consistent with our Constitution, yet he has no Guards: And not many Years since, when their King attempted to raise but a single Regiment, it was so resented, that if they had not been quickly disbanded the whole Nation had been in Arms, thinking it ignoble and dishonourable that their King should rather trust his Person with a few Men of desperate Fortunes, and not of the best Morals, than with his Nobility, Gentry, and loyal People.

Necessity of Guards about the King.

However, since this Doctrine is not Orthodox, I will take it for granted that Guards are necessary about the King's Person: but at the same time I dare affirm that his three Troops of Horse, and one Regiment of Foot (which need not exceed 1200 Men) are more than sufficient for that purpose, tho his Majesty was to be better attended than ever I saw him. Then what pretence is there for keeping the remaining 2800? What colour is there for keeping Guards at the *Savoy*, or indeed in the *Tower*?

Are they kept there to defend the City, or to bridle the Citizens? which, as *Macchiavel* says, is the only use of Citadels. If the former, we can tell them, that the City has 20000 Militia to defend themselves, and 200000 Men more that will be ready to take Arms upon occasion, and better Men too than an Army will be when they have been debauch'd and enervated with Peace and Idleness: which if they doubt, let them remember the time when a new Army rais'd suddenly out of the City, vanquish'd the King's veteran Troops.

If they keep them to bridle the Citizens, that's our Complaint, and indeed is the only proper and natural use of Standing Forces in times of Peace. But why must the City of *London* be garison'd more than any other inland part of the Kingdom? Was ever a Prince better belov'd, or a City more loyal? why then must they be awed by Citadels?

Guards in the Tower.

Perhaps it may be said, that the *Tower* is the chief Magazine of the King's Artillery, Arms and Ammunition, which ought to be well guarded to prevent a Surprize. But why may not the Militia of *London* do Duty there by turns? who if they are good for nothing else, sure may be trusted to defend the King's Stores. We see the Bank of *England*, which is the Repository of as great Treasure, is defended by a very few Men. How was the *Tower* defended before this Incroachment of Armies grew upon us? but then indeed it was a Prison, and now it is grown into a Garison.

Besides, what end can there be in attempting to surprize it? It can't be defended against a Prince that is beloved many days: and whoever does attempt so desperate an Action, is sure to pay for his Disobedience with his Life; which is all the Security we have that his Majesty is not assassinated every day: for whoever will sacrifice himself, is master of any Man's Life.

The Parliament vindicated.

I have not labour'd this Matter so much to misrepresent the Parliament's Proceedings, or lessen their Affection to his Majesty, as to stop the mouths of a few Unreasonable Men, who calumniate the House of Commons as undutiful to their King, and regardless of their Country's Safety: whereas I think I have made it appear, that they have allow'd him near double as many Forces as are necessary; which makes me more wonder how some unthinking Men are impos'd upon by calling a few Land-Regiments by the name of *Marines*, and prevail'd with to think them necessary.

And because this Subject has not been handled by those Gentlemen who have exhausted the rest of the Argument, I will take that Task upon my self, and by the next Post will send you my Thoughts upon that Affair, and endeavor to shew, that the Establishment of the Marines is a useless Charge to the Nation, a Nusance to the Navy, and dangerous to the Kingdom's Liberties.

From Newport *in the* Isle of Wight, *Dec.* 30. 1698.

A Let-

Printed, *Jan.* 169⅞.

A LETTER to a Member of Parliament concerning the four Regiments commonly call'd Marines.

SIR,

IN my laſt I undertook to ſhew that the Eſtabliſhment of the four Marine Regiments is a uſeleſs Charge to the People, a Nuſance to the Navy, and dangerous to the Kingdom's Liberties.

And in order to it I ſhall premiſe four things.

The Firſt I have already prov'd, That ſeven thouſand Men are more than ſufficient for Guards and Gariſons, and conſequently theſe Marines are not neceſſary for Land-ſervice, nor can they be us'd to that purpoſe, the laſt Parliament having appropriated them to the Service of the Navy only.

The Second is, That every Country will breed as many Seamen as their Trade and the ordinary Occaſions of their Navy in times of Peace will give conſtant Imployment to: for as Sir *William Petty* obſerves, The Wages of a Seaman is equivalent to that of three common Labourers; and therefore if our Acts of Navigation were duly obſerv'd, Men will naturally fall into the moſt beneficial Imployment, till it becomes overſtockt, and ſome of them for want of Subſiſtence are forc'd to ſeek out other Livelihoods, which is true not only in this but all other Trades.

The Wages of one Seaman is equal to that of 3 common Labourers.

The Third is, That if by a War or any other Accident, more Seamen are bred in a Country than their Ships of War, and the bulk of their Trade will conſtantly imploy, the Supernumeraries muſt go to other Trades, find out new Countries, beg, ſteal, or ſtarve; which I take to be the Caſe at preſent of *England*: for during the War we maintain'd between forty and fifty thouſand Men in the Royal Navy, and now we do not imploy above ten thouſand; ſo that near forty thouſand Men bred in the Fleet are to ſeek out their Livelihoods elſewhere, and 'tis at preſent a miſerable Complaint amongſt the Seamen, that many thouſands of them want Subſiſtence.

This Marine Eſtabliſhment no Nurſery for Seamen.

The Fourth is a Conſequent from the two laſt, that this Marine Eſtabliſhment is no Nurſery for Seamen, but rather the contrary. I do not ſay that in no Circumſtance it may be ſo; for perhaps in a War where the Occaſions for Seamen are very great, or in a Country initiating themſelves in Sea Affairs, ſuch Regiments may be of uſe to bring Land-men to Sea, for bad Seamen are better than none at all; but in a Country thorowly vers'd in Sea Affairs, where there are more Seamen than there are Occaſions for them, ſuch an Eſtabliſhment is ſo far from making Seamen, that they take up the room, receive the Pay, and hinder the Imployment of thoſe that are actually made.

The Queſtion ſtated.

Having premis'd theſe things, the Queſtion in my Opinion will be, Whether Marine Soldiers are better than an equal number of Seamen? that is, Whether ten thouſand Seamen, and three thouſand Marines, will be more beneficial to the Kingdom than thirteen thouſand Seamen?

Now I ſhall endeavour to ſhew the contrary.

Antipathy betwixt Seamen and Land Soldiers.

Firſt there is a natural Antipathy between Seamen and Land Soldiers, as having different Cuſtoms, Manners, Oeconomy and Officers; nor, * as Sir *William Petty* obſerv'd, do the Seamen heartily rejoice at thoſe Succeſſes of which Land-men have any ſhare, thinking it hard that they who are bred to miſerable, painful and labo-

* *Political Arithmetick*, fol. 57.

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rious Imployments (and yet profitable to the Commonwealth) ſhould at a time when Booty and Purchaſe is to be gotten, be clog'd and hinder'd by any Conjunction with Landmen, or forc'd to admit thoſe to an equal ſhare with themſelves. The truth of this has been abundantly demonſtrated in the laſt War, when Sea and Land Soldiers were never ſent any long Voyage together, but their Differences have always defeated the Enterprize they were ſent about, particularly in the Squadron commanded by Sir *Francis Wheeler* to the *Weſt-Indies*, where the Reſentments were carried ſo high between the Sea and Land Officers, that the whole Expedition was unſucceſsful, to the Loſs of many thouſand Men, and a prodigious Sum of Mony.

Sir F. W. *Expedition to the* Weſt-Indies, *why miſcarry'd.*

Secondly, The Charge of Marines is by above a third part greater than an equal number of Seamen whilſt they are us'd as ſuch: for the Marine Soldiers on board receive the Wages of Sailors, and the Pay of the Officers amounts to 20933 *l.* beſides, which is a uſeleſs Charge to the Kingdom, the Officers very ſeldom going to Sea with their Men, and when they do, are only a hindrance to the Seamen, and raiſe Factions in the Fleet; or if they happen to agree with the Sea Commanders, are of no uſe but to debauch with them, and hinder them from doing their Duty.

Marines more chargeable than Seamen.

Thirdly, Their Land Methods have mightily interfer'd with the Navy Rules, and introduc'd pernicious Notions into the Fleet Officers, ſuch as Miſ-ratings, falſe Muſters, and other Abuſes, which the Sea Officers formerly were ignorant of: and I have been often told by a Commiſſioner in the Navy-Office, that that Board always oppos'd them, as an Eſtabliſhment that broke all the Rules and Oeconomy of the Navy. And how fond ſoever the Lords of the Admiralty may be of them now, we may remember the time when a ſplenetick Gentleman in that Poſt publickly ridicul'd them, calling them Water-Rats. And theſe poor Wretches have been worſe us'd than if they were ſo, many of them being ſtarv'd for want of Clothes and Suſtenance; and indeed they have always been the miſerableſt Creatures in the Nation.

Their Methods differ from the Rules of the Navy.

Fourthly, inſtead of making Landmen Sailors, they have made Sailors Landmen; more Seamen having been inveigl'd to be Marines, than Marines made Seamen; and tho the Officers have had 40 *s.* a Man for Recruits, yet Men preſs'd for the Fleet have been taken into the ſaid Regiments upon that Account, and the Mony put into their own Pockets.

Fifthly, they are a dead Charge to the Navy on ſhore, and burdenſom to the People, being quarter'd up and down in the Inland Countries; nor could they ever be oblig'd to any Work in the Yard, tho it has been often propos'd, and one of their Eſtabliſhments requir'd it: and indeed, tho there ave been ſeveral Eſtabliſhments made, yet none have been obſerv'd: and ſome People will be ſo ill-natur'd as to ſay, That nothing was deſign'd by that Noble Lord who has the Honour of this Invention, but to be a Colonel of one of the Regiments.

Are uſeleſs on ſhore.

Sixthly, They are dangerous to the Kingdom's Liberties, as hath been abundantly prov'd in the ſeveral Tracts wrote concerning *Standing Armies*; where it is demonſtrated beyond the Poſſibility of a Reply, that ſmall numbers of Men may and have deſtroy'd the Liberties of potent Nations: How much more eaſily then in *England*, where beſides theſe Marines, who will be call'd to Land when they have occaſion for them, our Kings will have 7000 Men for Guards and Gariſons, 12000 in *Ireland*, 5000 in *Scotland*, and almoſt 6000 in *Holland*, which in all amounts to 33000 Men? A dangerous and dreadful Force, and ſuch a one as our Apoſtate Whigs (if I may uſe another Man's Expreſſion) in any Reign wherein they were not in the Miniſtry, would have thought ſufficient to have inſlav'd the Nation.

Dangerous to the Kingdom's Liberty.

Now I think it lies upon them to ſhew what great Advantages the Marine will bring to the Kingdom more than an equal number of Seamen, which may ballance theſe Inconveniences, and juſtify the introducing an Eſtabliſhment into the Navy, to which the Seamen have not been accuſtom'd.

I muſt confeſs, I could never hear any Reaſon, or rather Pretence for it, which did not move my Laughter and Scorn; nor would I condeſcend to anſwer them ſeriouſly, but that the Subject it ſelf is above Ridicule, tho theſe Gentlemen and their Reaſons are below it.

REASON I.

Marine Regiments kept in conſtant Pay will be more ready upon any Emergency or ſudden Occaſion than Seamen, who perhaps will be then difficultly rais'd.

ANSWER.

I have ſuppos'd before, that in the room of theſe Marines we are to employ an equal number of Sailors (which I have ſhew'd will be leſs chargeable to the Kingdom by above a third) then I preſume it will be granted that Seamen actually on Board will be as ready as Marines, whereof a great Part will be always on ſhore.

REASON II.

That theſe Marines do not take up the room of Seamen, but the Men of War muſt have their full Compliment of Sailors, and theſe Marines into the bargain.

I ſhall deſire to be excus'd from making any Anſwer to this Argument, till the Gentlemen of this new way of Reaſoning are pleas'd to ſhew, that their Marines do not receive as much Pay, eat as much Meat, lie in as many Hammocks; in ſhort, eating, drinking, ſtanding, lying or ſitting, take up as much room as if they were better Seamen. I muſt own 'tis my Opinion, they will not be contented with the Accommodation Seamen are accuſtom'd to, eſpecially their Beau-Officers, who will think themſelves but ill us'd unleſs they have Cabbins made on purpoſe for them.

REASON III.

Marines are more proper to make Inſults upon the Enemies Coaſt than Seamen, who are not under ſo good a Diſcipline for Land-Service.

ANSWER.

Marines leſs ſerviceble at Land than Seamen.

Our own Experience is contrary to this; for they have been employ'd together but once upon Land Service during the late War, which was at the Siege of *Cork*; where a few Seamen, under the Conduct of the Duke of *Grafton*, did gallanter Actions, and better Service, than the whole Body of Marines either perform'd at that time or ever ſince. But ſuppoſing what they ſay were true, we have no War, nor any occaſion to make Inſults upon our Enemies Coaſts; and muſt we be at a great Charge and Hazard to keep them up till the Lord knows when, to be ſent the Lord knows where, to do the Lord knows what? Beſides, have they ever been made uſe of to that purpoſe? And what Reaſon have we to believe that ſhall be done hereafter, which was never attempted in eight Years War? But if this were practicable, we may at any time qualify Land Soldiers for ſuch Service, by keeping them only on Board till their Sea-ſickneſs is over.

REASON IV.

Marine Regiments are properer than Seamen to defend the Decks of our Ships, and annoy the Enemy with Small-ſhot.

ANSWER.

It has been always obſerv'd, that Sailors have been better Markſmen than Land Soldiers, as having thro the Courſe of their Lives been us'd to Arms, not only in Sea Service, but in their Voyages, and the ſeveral Ports they come into, by exerciſing themſelves to ſhoot at Wild-fowl. But if this were not true, what hinders but it may be made a part of Sea Diſcipline, to exerciſe them by turns on board? unleſs we think there is an intrinſick Virtue in the Word *Marines*. And if this were impracticable too (as I ſaid before) Land Regiments in caſe of a new War may at any time be fitted for that purpoſe, by only keeping them on Board till they have digeſted their Sea-Qualms.

REASON V.

Beſides the Service they do at Sea, they may be uſeful when they are put on ſhore, by working in the King's Yards.

ANSWER.

By their Eſtabliſhment I preſume the Deſign is to have a certain proportion of 'em at Land, the reſt at Sea: And ſince it is all one to the Argument what number that is, we will ſuppoſe two thirds ſhall be always at Sea, and one third working in the Yards by turns. Now I have already ſhew'd, that the two Thirds at Sea are more chargeable and leſs uſeful than an equal number of Seamen: and if I can ſhew that the Third at Land will be as chargeable and leſs uſeful than an equal number of Artificers, then I think I have made it appear that they are neither good for Sea or Land, and conſequently fit only to be disbanded.

Marines Pay at Land 8 d. a day.

I confeſs by their Eſtabliſhment their Pay at Land is but eight Pence a day; but I preſume if they hinder them from working any other way by employing their whole time in hard Labour, they will increaſe their Allowance, as they do when they ſend them to Sea; which by the way is always done when Soldiers are ſet at work in the Gariſons or elſewhere. If they do this, their own Pay will be equivalent to the Hire of common Labourers, or very near it. But ſuppoſe they do not increaſe it, I have ſhew'd before, that the Pay of the Officers is above a Third of the whole Pay of the Regiments, ſuppoſing every Company to be full: but if we can have ſuch unbe-

unbecoming Thoughts of them (which I can never believe of ſuch honeſt Gentlemen) as that they will make falſe Muſters, then the Officers Pay, in probability, will amount to half, which being thrown in, will make their Wages much above the Rate of common Artificers. Then the Queſtion will be, Whether Men who for the moſt part have been bred up in Idleneſs, pick'd up at *Hab Nab*, whether Fiſh, Fowl, Ottar, or Sea-weed, are likely to do better Service in the King's Yards than Artificers that exerciſe their own Trades, which from their Youth they have been accuſtom'd to: To which I ſhall give no Anſwer.

But what ſhall the Officers do in the Yards? Shall they work there too? or ſhall they ſtand in the way of the Workmen, and ſee the Soldiers work at a Trade that neither of them know any thing of? Indeed if this Subject was leſs ſerious, theſe Gentlemen would tempt us to be very merry.

REASON VI.

Theſe Marines, beſides working in the King's Yards, will defend them againſt any ſudden Inſult.

ANSWER.

Pretence of working in the King's Yards, and defending them, examin'd.

There is no need of their Aſſiſtance; for the King's Yards, if new Methods have not been introduc'd into them, are under the beſt Oeconomy and Conduct in the World.

Firſt, There is a certain number of Guard-Ships (I think three) to guard every Yard.

Beſides the Guard Ships, there is on board every Ship that is in ordinary an eſtabliſh'd number of Men to do conſtant Duty there.

Every Watch, Scout-boats are ſent out to hale each reſpective Ship, and obſerve that the Watch is duly kept.

There is in every Yard ſuch an eſtabliſh'd number of Watchmen (I think ſixteen) to give notice of any approach of Danger; and upon the ringing of a Bell, all the Workmen and Seamen are to appear under the Officers of the Yard, to defend it: And there would not be a Man the more by employing the Marines, for we muſt then turn off juſt an equal number of other Workmen.

To give a full account of the Eſtabliſhment of each Yard would be very tedious; therefore I ſhall only ſay in ſhort, that the Conſtitution of the King's Navy, and eſpecially of his Yards, was the nobleſt in the Univerſe; and under that Oeconomy we not only defended our ſelves, but beat all the World, and rode Maſters of the Sea for many Ages. But what Trophies we have rais'd to our Country ſince theſe new Politicks came in faſhion, the Lords of the Admiralty can beſt tell.

Indeed if the Gentlemen I oppoſe did not think our Underſtanding of a piece with their own Honeſty, they would not put ſuch a Scorn and Affront upon it as to talk at this rate: With what face can they pretend to uſe them either to work in or defend the King's Yards? Did they ever uſe them to either of thoſe purpoſes in eight years War, when there was much more Occaſion than there can be in Peace? And what reaſon have we to believe they ſhould do it now? But any thing muſt be ſaid or done to get them; as *Polybius* ſays of War, the true Reaſon is always concealed, and the moſt plauſible one given out.

Marines uſeleſs in Holland.

The Eſtabliſhment of Marine Regiments is thought ſo uſeleſs in *Holland*, that this very Winter they have rejected them; and it is plain that our Courtiers themſelves, whatever they pretend, think as meanly of them as I do, for they have disbanded the old Regiments that were train'd up in eight years War (which, if ever they would have been good for any thing, might have been in that time) and in their room have call'd a few Land Regiments, with near three times the number of Officers, by the name of Marines; and as theſe new Seamen have never been at Sea before, ſo they have been kept at Land ever ſince, and quarter'd up and down the Country againſt expreſs Acts of Parliament. So that the diſpute now is not whether we ſhall deſtroy an Eſtabliſhment already made, but whether we ſhall make a new one in full Peace.

I muſt confeſs it to be my Opinion that ſome Courtiers deſign them only for Land Regiments, and call them by a new Name to deceive unthinking Men, who are taken only with Appearances. But I doubt not but your honourable Houſe of Commons, the Guardians of the Peoples Liberties, will let the whole World ſee that they are neither to be aw'd by the vain Terrour of foreign Invaſions, perverted by Places, or deceiv'd by falſe Appearances; that they know how to honour and reverence his Majeſty, and yet puniſh corrupt and wicked Miniſters:

niſters: In ſhort, that they know the difference between *Engliſh* Subjects and *French* Slave

Qui vult decipi decipiatur.

The Seaman's Opinion of a Standing Army in England, *in oppoſition to a Fleet at Sea, as the beſt Security of this Kingdom.*

Printed, *Jan.* 169⅞.

In a LETTER *to a Merchant, Written by a* SAILOR.

SIR,

The beſt Writers are againſt a Standing Army.

I Have read with no ſmall Conſideration, the Arguments for and againſt a Standing Army ſo warmly argu'd on both ſides; one making of falſe Weights and Meaſures, and allowing nothing to be true Weight that is not weigh'd at the Court-Beam; while the others lay their Reaſons and Arguments in the Peoples Scale, and weigh the common Intereſt and our Conſtitution againſt the Court-Projects. I muſt confeſs, the latter are much in the right, for Laws were made for the general Good of all the Subjects, and are by no means to be alter'd to the prejudice of the People: The *Engliſh* Conſtitution has no reſpect to thoſe future Contingences and Emergences which may happen to crown'd Heads. Our Forefathers thought thoſe Laws which were of Force and Virtue enough to keep them in poſſeſſion of their Eſtates, equally powerful to ſecure the Regalities of the Crown to the King, and would be alike advantageous to their Poſterity; and I know no Reaſon why we ſhould be of another Opinion.

Reaſons for a Standing Army examin'd.

The main Reaſon the Court Party offers for a Standing Army, is the intire Confidence we may repoſe in the King, on the account of the Heroick Virtues inherent in him, and his firm and ſincere Intentions for the Preſervation of the Nation, and the Rights of the Subject; ſo that if the People of *England* do not truſt the King with their Lives, Liberties and Eſtates, they would inſinuate as if they did miſtruſt him. I may know my Neighbour to be a very honeſt Man, and yet have no occaſion to truſt him with the Deeds of my Eſtate, my Mony or Goods: nor need the People exchange *Magna Charta* for the King's Letters Patent for their Liberties *durante beneplacito*; for ſo it muſt be when he is arm'd with Force at any time to take it away. I have as much, nay a greater Eſteem for the Royal and Princely Virtues of his Majeſty, than any Courtier of them all; and tho I could truſt the King with a great deal, yet I ſhould not care to truſt them with a little. A Government ſettl'd by the People of *England* ought to be maintain'd by them: and without doubt the People will maintain a King in thoſe Rights and Prerogatives they have granted and confirm'd to him, otherwiſe it will be a Reflection which hitherto has not happen'd upon them. But to maintain a Government upon any other Principles than ſuch on which it is founded, is ridiculous. The Superſtructure ought to be conform to the Foundation, the Building otherwiſe is irregular and inartificial; and for the People to undermine the Foundation of their Liberties, and raze it to the ground, only to build a Pyramid of Honour, or a Triumphal Arch for a Prince, is downright Nonſenſe. A Government ought to be ſupported; but it muſt be conſider'd withal how it deviated from its Inſtitution: when we know what a Government is, we can quickly find fit Props to ſupport it, and fit Force to defend it. 'Tis

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pity there ſhould be a diſtinction betwixt the King and the Government, which yet muſt be allow'd when the Courtiers call themſelves *the Government:* As a certain Perſon was committed to the Cuſtody of a Meſſenger by the Secretary's Warrant, for *publiſhing and diſperſing a ſeditious and ſcandalous Libel againſt his Majeſty and Government*; whereas it only contain'd Matter of Fact againſt ſome Commiſſioners. Well then, theſe Commiſſioners are the Government; and I am of Opinion if it be thus, that 'tis not worth our while to keep up twenty thouſand Men to ſupport it. Setting themſelves thus up, they leſſen the King and his Prerogative; as if the King had the Legiſlative, and they the Governing Power.

Evil Miniſters prejudicial at all times to the Prince.

Evil Miniſters and Officers have in all times prov'd prejudicial to the Prince that employ'd them; for they acting after an illegal and arbitrary manner in their ſeveral Stations, cauſe ſuſpicion that the Prince by whom they are commiſſionated, will, when enabled with Force, do the like or worſe: and tho ill Miniſters and Officers may act illegally, and after an arbitrary manner, without the Knowledg, nay contrary to the Conſent and Approbation of the Prince; yet all their Actions tend to the weakning of his Government, and to create Jealouſies in his People. Men judg of the Fountain by the Purity or Impurity of the Streams; and Juſtice being deny'd or delay'd by Officers and Miniſters, they preſently look back to the Original Contract and Coronation Oath, with a great deal of Doubt and Heſitation. It was a noble and glorious Saying of our great and renown'd Prince *Edw.* III. when he hang'd his Chief Juſtice *Thorp*, of the *King's Bench*, for taking a Bribe of 100 *l.* *That he being intruſted as the King's Deputy to adminiſter Juſtice in that Court, had as much as in him lay, broken that ſolemn Oath that his Majeſty made to his People at his Coronation.* Inſtead of a Land Force to defend Evil Miniſters, this wiſe Prince procur'd a Halter to hang them.

The Saying of Ed. III. *upon the Execution of the Ld Ch. Juſtice* Thorp.

If Men in great Offices have been guilty of enormous Crimes, have laviſhly ſpent and ſquander'd away Parliamentary Funds rais'd for the Security of the Nation, muſt the People of *England* make a Rent in their Conſtitution, and raiſe and pay twenty thouſand Men to maintain them in their vicious Practices, and ſecure them from the Violence and Inſults of the common People? They are grown already to ſuch a height, that there is no way of calling them to an account. If an inferior Board commit a Crime, rob, embezel, plunder the Nation, and enrich themſelves with the publick Spoils of the Kingdom; and a Complaint be made to the Lords of the Treaſury, they refer it (after the Complainer has a long time attended) to the Board complain'd againſt. After a long attendance (five or ſix months I have known it) a Report is made; the Treaſury acquieſces with the Report, and the Complainer is fruſtrated of his honeſt Intentions. It is a Law amongſt 'em, never to hear the Complaint of an Inferior Officer againſt a Superior; as one of the Commiſſioners of the Exciſe told a certain Perſon, that there was a ſecret Reſolution taken up by all the Commiſſioners in the Kingdom, that if an Inferior Officer complain'd of Miſmanagement, they would repreſent him either as a Fool or a Knave, or elſe make him ſo uneaſy that he ſhould be forc'd to quit his Employment: and this appears to be true, for moſt, if not all the Officers that have complain'd of Miſmanagements, have been diſcharg'd for ſo doing. How then ſhall theſe Men be puniſh'd? Why, the laſt Reſort you know is a Parliament; and if you read over the Liſt, you will ſoon find how many Courtiers were there Judges of their own Cauſe, and Auditors of their own Accounts. So that, Sir, I think you aſhore are in a fine pickle, if ever theſe Men get a *Standing Army* to ſupport their Miſmanagements by point of Sword, and the powerful Arguments of Pike and Gun: For our Controverſy is not about truſting the King with a *Standing Army*, we pay him all the Deference imaginable; but we are loth to be at the charge of guarding thoſe who have neither regarded the Publick Good, nor thoſe worthy Gentlemen that ventur'd their Lives to bring the King to the Throne, and to promote them to Offices of Truſt and the greateſt Profit. Their reſtleſs Endeavors to gain this Point of a *Standing Army*, have other meanings in them than the ſpecious pretence of Publick Safety. When the Fox preaches, beware the Geeſe; there is ſome Fetch or other, ſome Snake or other in the Graſs, that will not wriggle it ſelf into view, but under the Umbrage of a *Land Force*. You muſt bear, Sir, with my homely Compariſons, as well as with my indifferent Language; we Tars don't pretend to polite Learning, and finery of Speech.

No miſtruſting the King, but his evil Miniſters.

But to illuſtrate my Diſcourſe, I muſt tell you, that the laſt Voyage I made was to *New-England*; the Commander of the Ship I ſail'd in was a Man of Virtue and Probity, very skilful in Navigation, and one that had a due regard to the Profit and Advantage of his Owners. But the Mate, Boatſwain, Gunner, and other Officers, were

The Author's Adventure in a Voyage to New-England.

were Men of vicious Principles, and work'd ſo far upon the good Nature of the Captain, that they got intire poſſeſſion of him, to the no ſmall loſs of the Merchants, and the trouble of all the honeſt Sailors aboard. When we came to *New-England*, and had taken in our Loading, being homeward bound, they perſuaded him to take more Men, more Forces aboard, under pretence of Advice they had receiv'd from *England* of ſome *Turkiſh* Men of War that lay in the Chaps of the *Engliſh* Channel. The poor Captain believ'd a Neceſſity upon ſuch plauſible Pretences of augmenting his Forces, being unwilling to have his Ship pirated from him: The Forces were raiſing apace, when it was diſcover'd that theſe Fellows had a deſign to run away with the Ship; ſo that had their Deſign taken effect, the good natur'd Captain had been thrown over-board, and I had now been among the *Madagaſcar* Pirats. Ill Men contrive all ways, firſt to raiſe themſelves by Villany, and then to ſupport themſelves in it. The ſame Effect your Land-Force may have upon you: Your Captain I know is a good Commander, of Principle and Addreſs, and I verily believe deſigns you no harm; but his under Officers, if they deſign'd you any good, would have done it before this time. Beſides, if you have a mind to keep your King, keep him from a *Standing Army*. K. *James* had been here ſtill, had it not been for his *Standing Army*, an Army model'd by the Vipers which lay in his Boſom for that very purpoſe.

I like the Effects of that Deſign ſo well, that I deſire no more of that nature: We have a Government founded upon good Principles, a Revolution of which eve-

The King's Actions applauded.

ry ſtep has been attended by Divine Providence; a King who governs according to the Rules of Juſtice at home, and is the Head and Leader of our Armies abroad, to his own immortal Honour, and the Good and Welfare of his People; and every good *Engliſhman* and Chriſtian ought to bleſs God for it. But Revolutions in a Nation are like Fevers in the Body natural, which advancing too often, prey upon the Vitals to the deſtruction of the whole *Compoſitum*; and tho we have lately known it did, yet they ſeldom happen without damage, either to the Royal Prerogative, or the Franchiſes of the People, both which ought to be kept inviolable; and ſince they are ſo at preſent, I know no reaſon why we ſhould put either in danger for the future. An *Engliſh* King, and an *Engliſh* People, ſute well together; and ſince we are bleſt with both, we have no reaſon to promote new Whimſeys in the head of one, to create Jealouſies in the other. The Notion of an Invaſion from the Man abroad is not ſo much a Propoſition of Horror, as the Notion of our Liberties being invaded at home; and we are in more danger of thoſe Horſe-leaches of Government that fill themſelves from the Veins of the State, than from foreign Troops. Mony is the Sinews of War; but the Sinews once weakned, the Body is in a tottering Condition.

Inconvenience and Uſeleſneſs of a Standing Army.

A *Standing Army* muſt be fed, and when once without Pay, muſt live upon free Quarter; for there is no reaſon that Men rais'd for the Service of their Country ſhould ſtarve in it. I would fain know what theſe Men would do with a *Standing Army*, unleſs, as before, to guard them from the Violence of the Mob. Where ſhould they encamp to be in a readineſs to oppoſe an Invaſion? Had they as many Armies as there are landing-places in *England*, we might have ſome Security. Few of theſe Men that talk of *Standing Armies*, have had the Courage to go abroad to the Wars; but now perhaps for their Diverſion, at the expence of the Kingdom, they are willing to ſee *Namur* taken at *Windſor*, or a Butterfly Camp at *Hounſlow Heath*, where the Forces muſt attend the Motions of the Man abroad:

Where the Knights Errant lie with Legs acroſs,
Expecting what muſt never come to paſs;

The Sky falling to the utter deſtruction of the whole Species of Larks; *French* Invaders in Fleets of flying Wheelbarrows, and abundance of ſuch odd Chimera's, if not worſe.

Tories in Places and Offices.

How will they model this Army? as they have done the Civil Offices? Will they fill Commiſſions with rancour'd Tories, confirm'd Jacobites, and Non-Jurors? Shall Men of Worth, Merit and Affection to the Government, be as ſcarce in this Army as they are in the Cuſtoms and Navy? God forbid! How many years Purchaſe muſt a Commiſſion be ſold for? and where will be the place of Sale, and who the Broker, now Sir *Fleet* is dead? Few of the King's, and their Country's Friends, have got Mony to buy; muſt they be ſold to thoſe that got Pardon-mony in the late Reigns of ſuch as are ſtarving ſince this Revolution? Well, there may be a formidable Invaſion, and the Nation in a great deal of danger thereupon. The whole

whole Strength of the Nation is not able to withſtand it, and yet the Party pretend that twenty thouſand Men out of that Strength ſhall do it; that is as much as to ſay, ſeven Millions of Men are not able to withſtand an Invaſion, but twenty thouſand of the ſeven Millions are; the *Minor* is of greater Force, Power and Virtue than the *Major:* If the Folk in Power ſay ſo, 'tis true enough; better a Nation be ruin'd, enſlav'd, or any thing elſe, than they be thought to err in Judgment, or miſs their Ends.

Invaſion a ſham Pretence,

But ſuppoſe the worſt, that a *French* Army ſhould land; why then if we han't a *Standing Army*, the great Places at *White-Hall* will be in a tottering Condition. But ſuppoſe they don't land, and we have a *Standing Army* in expectation of it, why then the great Folk at *White-Hall* are all the time fingering the Mony rais'd to pay them, not to their diſadvantage to be ſure. 'Tis no matter whether we are invaded or no, as long as their Trade goes forward. Now tho your Earthquakes don't diſturb the Element I ſojourn on, yet I may give my Opinion concerning your Affairs, as well as ſome of you have as to the management of the Fleet, that know no other difference betwixt Salt Water and Freſh than by the Taſte.

Ridicul'd.

Iſle of Purbeck *Invaſion.*

I remember I was at an Anchor in *Studland-Bay*, when there was juſt ſuch another Invaſion in the Iſle of *Purbeck*, as your Folk expect. If there was then any *Standing Army*, they were guarding the Royal Ducks in St. *James*'s Park, or otherwiſe employ'd; but I am ſure they were not there. Now without any Royal Mandate, Commiſſion, or any Order from above, the bold *Brittons* aſſembled in a hoſtile manner, with all the Weapons of defence the Country could afford, and without any Ceremony march'd to the place of landing: The Rumour of the *French* Numbers was ten thouſand, and in 48 hours there were a hundred thouſand in Arms in *Dorſetſhire*, and the adjoining Counties, who came down time enough to the Sea-ſide to engage the Invaders. I believe if theſe Hodmandods, Raw-heads and Bloody-bones, with which the Children of *England* are now ſcar'd, ſhould appear, we ſhall be in a good poſture of defence, without twenty thouſand Red-Coats, which are more terrifying than an Invaſion.

Now theſe Bugbears and Scarecrows, this viſionary Invaſion that haunts the Ruins of *White-Hall*, being remov'd out of ſight, let us recover our Senſes, and ſcan the Point, whether the Militia regulated and diſciplin'd may not be as powerful to withſtand an Invaſion, as twenty thouſand of that Militia (for every one capable of bearing Arms belongs to it) liſted and entred into Pay.

The diſciplining the Militia neglected.

But they ſay the Militia is not diſciplin'd; Whoſe Fault is that? Was it not in their Power that contend for a *Standing Army*, to have diſciplin'd the Militia ſince the Controverſy in the Houſe of Commons laſt Seſſions about it? If the Officers of the Militia can't be truſted, 'tis the Fault of thoſe that made them Officers. A negligence in this Point, and trumping up a *Standing Army* at the ſame time, looks as if their Army were to do ſome Buſineſs the Militia will not do; for it is evident the Militia can do more than twenty times the Forces they deſire, when neceſſity ſhall require it. Beſides, twenty thouſand Men diſpers'd are no Army; their being in a Body makes them one, but a Body can be only in one place at a time. We have abundance of landing-places, and our Army can be but at one of them, and I know already the Invaders won't land there. Now on the other hand, they can land no where in *England*, but the Militia will be at the place, enough of them to make a ſtand till the reſt come up; ſo that if we had a *Standing Army*, the greateſt uſe of them at that Juncture would be to come in for the Plunder of the Field. I might add more on this Head, were it not vanity to urge Reaſons to juſtify a thing that is beyond diſpute: But the Authors for an Army, like Mr. *Bays* in the *Rehearſal*, are reſolv'd to preſent the World with ſomething very ridiculous, and have not yet determin'd the Point, whether the two Kings of *Brentford* ſhall head their *Standing Army* with both Boots on, or one off.

Endeavors to create a Miſtruſt in the King.

As I don't know the Deſigns, ſo I am ignorant of the Conſequences of what theſe Men make ſuch a buſtle about: but it tends to create a Miſtruſt in the King of his beſt Subjects, and tells him plainly he can't be ſecure in his Throne, and enjoy his Prerogative, without making an Alteration in our Conſtitution; and that the Peoples Liberty, and the Regalities of the Crown cannot be ſafe at the ſame time. Now if I ſhould aver, that our Conſtitution muſt of neceſſity tumble down, if a Branch of the King's Prerogative were not lopt off to make a Prop to ſupport it, I ſuppoſe the Secretary of State would eſteem it a State Crime, and I ſhould be viſited with the plague of a Meſſenger; when at the ſame time theſe Authors raiſe Bulwarks, and plant their Cannons upon them to batter down our Conſtitution,

break

break down the Fences of our Liberty, and deſtroy thoſe Privileges which have immemorially been the Rights of our Anceſtors; and all this conniv'd at, if not encourag'd. Have the Liberties of the People no Guardians? Are there none to proſecute ſuch Offenders in the name of the Good People of *England?* Where is the Juſtice, Glory and Honour of our Anceſtors? Are all their glorious Marks obliterated in their Poſterity? Are the Ends of the World come upon us, that we are willing to ſee an end of our Liberty? Are our Rights leſs valuable, our Laws of leſs Force than formerly? Are we ignominiouſly willing to give away what our Forefathers left us at the Expence of their Blood? God forbid that the Children unborn ſhould curſe us as cruel Stepfathers that have diſinherited them of their Birth-right. Will not ſucceeding Generations think, that either our Rights were not worth keeping, or that we inglorioufly betray'd our Children in parting with them? Will not the *Roman* Honour and Gallantry, which inſpir'd Heathens newly acquainted with Laws and Principles of Government, riſe up in Judgment againſt us, when we prove treacherous Deſerters of our Liberties, and raiſe and pay twenty thouſand Men to take poſſeſſion of our Freeholds? Are not thoſe who ſurrender'd Charters, gave away their Birth-right, and betray'd the Liberties of their Country in the late Reigns, juſtly branded with the marks of Infamy, and their Memories handed down to Poſterity as ignominious and ſcandalous? And ſhall we, who have ſpent ſo many Millions to undo what they did, and retrieve our ſinking State from utter Ruin, tread in their ſteps, act the ſame Tragedy, and play over the ſame Game? Was a *Standing Army* but a few Years ago accounted a Grievance, and now become a thing deſirable? Is it not attended with the ſame Danger, or are we grown leſs ſenſible of it? Are we in the ſame condition with thoſe that are troubled with the *French* Diſeaſe, of whom it is ſaid, when once cur'd they are more deſirous to commit the Sin again? Are we clapt in our Underſtandings, that we are willing to return into the ſame languiſhing Condition of which we are ſo lately recover'd, and have paid ſo dear for the Cure? Let the Pleaders for a *Standing Army* conſider, how much it was accounted a Grievance in the late Reigns, and how much it tended to the deſtruction of the King that rais'd it, and they may eſteem their Deſigns impracticable; for it muſt be a Reflection upon the Wiſdom of the *Engliſh* Nation, voluntarily to give one King what they forc'd from another, to ſecure themſelves in the peaceable poſſeſſion of their Eſtates: and no wiſe Man can imagine, that in a Government founded on good and wholeſom Laws, a thing that turn'd one King out of the Throne, ſhould keep another in it. If you have the ſame People to manage this *Standing Army* that manag'd the late King *James*'s, you have the ſame People to oppoſe this *Standing Army* as oppos'd the other; and in all likelihood you'l be brought into the ſame Diſorder and Confuſion: wherefore I think, all things conſider'd, you had better be without it.

Thus far, Sir, I have ventur'd out of my Element, to give you my Sentiments of Affairs aſhoar; now ſuffer me to ſtep aboard my Ship, and give an Account of another Security to our Kingdom little heeded or talk'd of, I mean our Shipping. It is ſuppos'd theſe horrible Invaders will not fly over the Seas in the Air, nor will they ſhove themſelves over in leaden Boats under Water; they are compounded of Fleſh, Blood and Bones, contrary to the nature of Spirits; they are viſible and tangible Subſtances: therefore let us conſider how we Sailors may handle them; for it is a demonſtrable Argument, if we can drown or burn them at Sea, you'l have no occaſion of a Land Army to knock 'em oth' Head aſhore. By your inſiſting ſo much upon a Land Force as neceſſary to withſtand an Invaſion, you ſeem to yield up the Empire and Dominion of the Sea, which I am very unwilling to grant, knowing the *Engliſh* have no Rivals in that Affair, nor no Nation capable of taking poſſeſſion of that Dominion. If we could beat an Enemy at *la Hogue*, and burn fourteen of their Three-Deck Ships at one time, and might have quite ruin'd them at Sea then, had it not been for the wonderful good Nature of you know who; I ſay, if we could do what they have not yet been able to recruit, nor perhaps never will unleſs we ſell 'em Timber to build more Ships; if they have loſt their Ships, and we have augmented ours by a far greater number than they have loſt, I hope we are not now leſs able to fight an Invader. I ſuppoſe the Diſembarkment of the Prince of *Orange* was carried on with as much Secrecy as an Invaſion will be, yet we know how long it was talk'd of, and how long expected before it came.

The improbability of an Invaſion.

Conſider in the next place, how many Ships an Invader muſt have to bring over Men enow to conquer this Kingdom. Now if ſix or ſeven hundred Ships were requiſite to bring over at moſt but fourteen thouſand five hundred Men, how many will

will be neceſſary to make an Invaſion upon *England* in order to conquer it? Their numbers muſt be much greater, they come without leave and undeſir'd; and Invaders, let 'em be of what Country ſoever, or of what Religion ſoever, are hated by *Engliſh-men.* The Prince of *Orange*'s Deſcent upon *England* was no Invaſion but an Invitation, and his Acceſſion to the Throne no Conqueſt (whatever two or three inſignificant Prieſts have wrote) but the free Gift and Benevolence of the good People of *England.*

Yet notwithſtanding all Parties were agreed in this Revolution, how many Accidents happen'd? How often was the Fleet detain'd by contrary Winds? And when at Sea, forc'd to ſteer a Channel Courſe, and in a Line too, which made 'em ſeen by both Shores. But this invading Fleet, that muſt have at leaſt ten times the number of Men, and conſequently of Shipping, are to come over undiſcover'd. From what Places will they come? Why this is the main point; the honeſt Men in Offices tell of an Invaſion, and it is to be done by ſomebody, that they will not dare name for fear of being gazetted, and order'd to be proſecuted, as *D*—— *B*—— was for reflecting upon ſome great Perſon at the *French* Court: They had better run the hazard of Proſecution, and tell the Truth; the Proſecution may be bought off, Mr. *B*—— gave but eight Guineas to *H*—— *B*—— and three to *N*—— and the Proſecution was at an end. But this Invaſion can't be brib'd off, the Invaders will not ſtay for Gratuities, all is their own when they have conquired; and into this Condition we may be brought, becauſe our Standing Army-men are mealy mouth'd, and won't ſpeak out. An Invaſion may well be a Propoſition of Horror to them, when the very Invaders and the Country they come from, cramps their Tongues, and frightens them ſpeechleſs, ſo that twenty thouſand Men and nothing elſe, can bring them again to their Senſes. If they would tell us the Country they'l come from, I could give you my opinion in the Matter; if I knew their Country, I ſhould know their Ports, and what Conveniences they have for ſhipping their Men; but I'm ſure they have no Conveniency of landing them in *England* unleſs we pleaſe. All we can learn from them is, that 'tis the Man abroad, and abundance of Men there are abroad, and which of 'em 'tis we can't tell; this Man may be ſomebody or nobody, or anybody or everybody, ſince he has no name. He may be the Man in the Moon for ought we know, and then we are in a fine Condition; his is a Country we know nothing of, nor what kind of People he will bring with him, nor what ſort of Weapons they uſe in Battel: He is certainly an Enemy, becauſe he is no Friend, and a powerful Enemy too; his Dominions are very large, and for ought we know very populous; and if he ſhould deſcend upon *Salisbury Plain* with two or three hundred thouſand Mortals, why then the Cathedral Church there will be invaded by Men of a Strange Religion, that have not been educated to mumble the Prayers in *uſum Sarum*, and the beſt ſtake in the Hedg of one of our Biſhops is quite loſt. The more I think of it, the more am I terrify'd at the Apprehenſion of ſuch an Invaſion; What a Horrid terrifying Spectacle will it be to ſee Men (nay for ought we know Monſters) deſcend like Hail upon our Country, where our Ships can't come, and nothing but twenty thouſand regular Troops can oppoſe? How will our Women and Children be frighted, and our old Men aſtoniſh'd at ſuch an Apparition, worſe than that at *Purbeck!* Now I ſhould think it moſt proper, to prevent an Invaſion from this Country, to ſend an Ambaſſador thither: We have not given the Man, nor any of his Subjects, any affront that I know of; and a Truce or Peace is far better than War, as the *Turks* and *Germans* on both ſides affirm; and we have Men of Parts and Senſe enough in our Nation to ſend on ſuch an Embaſſy: We know the Country is very high, yet we are provided with very high Fliers in our Government, that have mounted from Footboys, Journeymen and Valets, to Commiſſioners, and other great Officers; one or two of theſe on this Embaſſy may put an end to our Fears, and render twenty thouſand arm'd Men uſeleſs: I could pick a Man or two out of our Offices fit for this Embaſſy, that have riſen with a wonderful Impudence at home, and will no doubt carry a good Stock abroad with them. Theſe high Fliers have one Conveniency in mounting above the reſt of Mankind, they have no weight of Brains to retard their Flight upwards; and if there is any Mony in the World in the Moon, they'l load enough in their Pockets to haſten their deſcent downwards. If they ſay my Invaſion is ridiculous, I ſay ſo of theirs, as alſo of twenty thouſand Men to withſtand it, and keep out a Force which all *England* beſide can't do.

Proſecutions bought off.

Invaſion ridicul'd.

High Fliers.

Well, it ſeems we muſt ſtill be in the dark about this Invaſion, the Army Authors won't tell us whence it will come, and yet tell us a diſmal Story of its coming; ſo that

No account given of the fear'd Invaſion.

that we are left to bear Suppoſition, which puts nothing at all into being, but is the Foſter-father of Non-entities: We have ſuppos'd it from above the Clouds already, let us deſcend and view the Terreſtrial Globe, view the Coaſts of our Neighbours, and ſee from which of them all a Fleet of Ships can lanch forth into the deep, and paſs the Ocean with an Army without Obſtruction from the Royal Navy. 'Tis Nonſenſe to ſuppoſe this Invaſion to come from *Holland*, which ſo lately aſſiſted us with Forces in order to recover our loſt Liberties; thoſe that help'd knock our Fetters off, will not be for putting them on ſo ſoon already. But ſuppoſe *Holland* had a deſign upon *England*, let us conſider how impracticable ſuch a Deſign would be, whilſt *England* has ſo good a Fleet of Ships of War: Thoſe Auxiliary Forces they lent the good People of *England* upon the Revolution, met with abundance of Obſtacles and Difficulties in ſhipping the Horſes and Men, which kept the Enterprize ſo far back, that the very Regiments, the Names of the Colonels commanding thoſe Regiments, and an exact account of the number of the Men, Horſe and Foot, was printed in the *Engliſh* Gazette long before they ſaw the Coaſt of *England*; ſo that the *Engliſh* Nation had then as much time to prepare to oppoſe them, had they been willing, as they had to prepare to receive them. *Volenti non fit Injuria:* The Revolution pleas'd the Nation, if the major part of the People may be call'd ſo. But had theſe been Invaders, as they were the Auxiliary Troops of the People of *England*, entertain'd in their Service by their own Conſent, the Fleet then under the Command of the Earl of *Dartmouth*, and in a proper Station too, could eaſily have obſtructed that Expedition: But the Seamen were in a Confederacy with the Landmen in the Intereſt of their Country, and I hope in God ever will be; and it is not often the *Engliſh* Fleet has let an arm'd Navy paſs thro their Channel without one Broadſide.

Not from France. We muſt imagine it not to come from *France* immediately after the Ratification of a ſolemn Peace, ſo honourable to the *Engliſh* Nation. But ſuppoſe *France* at any time ſhould have the Vanity to invade *England*, will not our Navy be ſufficient to put a ſtop to ſuch an Invaſion? The *French* Councils perhaps are as ſecret as any in the World, and tho vulgar Eyes cannot pry into the Cabinets of that Prince, yet his firſt and ſecond Rate Men of War are eaſily diſcern'd; I hope they'l rig their Ships before they put them to Sea, they'l careen, and gun, and man them, and all this can't be done in a Chimney Corner: Their Caulkers, Hammers, and Carpenters Adzes, will make ſome noiſe; we ſhall hear ſomething of it ſure. Conſider their Ports, and where their Ships are laid up, and you may eaſily conclude they can't ſoon join upon ſuch a Deſign: *Breſt* is the moſt commodious and moſt frequented Port with Men of War, but not capable of containing them all, and if it could, they can't enter the Ocean at once; and 'tis but very bad riding in *Camaret Bay* for ſome, till the reſt join them; ſome are laid up at *Marſeilles*, *Thoulon*, *Havre de Grace*, *Port Lewis*, *Rochfort*, &c. beſides ſome at *Dunkirk*; from which Place they can't come out with their Guns on board; and while they are taking their Guns in, if we can annoy 'em, we may have Intelligence of them. Beſides, they muſt rendevouz ſomewhere, and that Wind which brings one half of the Fleet to the Place of rendevouz, keeps the other half back; ſo that if the Peace did not put us out of this danger, our Fleet would be a ſufficient Guard againſt it.

Nor from Spain. *Spain* is in a firm Alliance with us, and had a good Belly-full of Invaſion in 88, which is not yet digeſted, and the Northern Crowns never made any Pretenſions of this nature; ſo that I dare boldly affirm we are in no danger of an Invaſion from any known part of the World, and the *Terra Incognita* is a long way off.

In the ſhort view I have taken of the Condition of our Neighbours, and their ſtrength in Shipping, compar'd with the Naval Force and Maritime Strength of *England*, I believe if all of them ſhould intend an Invaſion upon *England*, they could not accompliſh it. For, as I have ſaid before, it cannot be done but we muſt have notice of it; and while they are fitting out their Fleet we may do the ſame: our Fleet being out, and divided into Squadrons, appointed in proper Stations, would eaſily intercept them; it will be eaſily enough known when they firſt put to Sea, if we have a ſufficient number of Advice-Boats abroad under the Command of able and honeſt Sailors, and two of them ſtill in Company; my Reaſon is, that as ſoon as they find the Enemy under Sail, the worſt Sailor of the two ſhould take the advantage of the Wind, and the other ply to Windward to give the two neareſt Squadrons notice thereof. Now we'll ſuppoſe the worſt, that the Enemy ſhall have the advantage of a Liſt of the Stations of our Ships, as I have heard they formerly have had; why then their Buſineſs is to ſail in a direct Line betwixt two

of

of our Squadrons: for ſhould they ſail in a Line of Battel, ſtretching Eaſt and Weſt, and keep their Tenders in the ſame Line, which they muſt do to guard them, this Line muſt be of an extravagant length; the Prince of *Orange*'s Fleet could not form their Half Moon till paſt the Skirts of *Dover*. Thus in all probability each Wing of the invading Fleet will touch upon a Squadron of *Engliſh* Men of War; and all that underſtand Sea-fighting, will conclude this muſt needs be to the diſadvantage of the Invading Fleet. Suppoſe they ſail in a ſtreight Line North and South, to prevent Diſcovery by ſpreading too much room, their Tenders muſt be plac'd either in the Front or the Rear of their Fleet; for their Ships of War muſt keep in a Body, and it is our Buſineſs only to fall upon their Tenders and Tranſport Ships, and a few Men of War will ruin hundreds of ſuch Veſſels in a ſhort time, being not ſcatter'd, but in a Body: for they muſt keep together, and as much under the Protection of their Convoys as poſſible; and ſhould their Convoys engage our Men of War, and their Tranſports at the ſame time keep on their Courſe, in all probability they'l fall in with our relieving Squadron that comes to the others aſſiſtance, and then they are totally ruin'd; or if during the Engagement they lie by to ſee the Event of the Fight, they are in as much danger of the relieving Squadron. Nor is it practicable for the Tranſport Ships during the Engagement to ſail to the Place of Landing; for their Men muſt land under covert of their Cannon, otherwiſe the Country Folk will ſhoot 'em like Seagulls, as faſt as they land: They'l never find a *Brixam* Buſineſs of it; there's a wonderful difference betwixt Invaſion and Invitation, betwixt the Diſimbarkment of Auxiliary Troops, and an Army of Varlets and Cut-throats. If they ſhould be no better watch'd than the *Thoulon* and *Pointi*'s Squadrons, and to the Scandal of the *Engliſh* Seamen, ſlip our Ships of War, and arrive on our Coaſt, I queſtion neither the Courage nor Conduct of the People of *England*, in giving them ſuch a Reception as they deſerve.

The uſefulneſs of a Fleet proved.

Now the Uſefulneſs of a Fleet, as the beſt Guard to *England*, is evident, not only from Reaſon, but from undoubted Hiſtory, and plain Matter of Fact; many Inſtances whereof our Tars often at Sea talk and boaſt of, many of which I could inſtance in, were I not too far gone already beyond the Limits of a Letter. But however I muſt tack about again upon your Land Army Folk; and to avoid all Animoſities, Quarrels and Heats, I ſhall not tell how much or how little was done during this War by the Land Army in *Flanders*; but ſhall only hint what might rationally have been done by the Fleet under a good Management and Conduct. Of ſo many Millions of Mony that have been ſpent during this War in Land Forces, ſuppoſe ſome of that Mony and thoſe Forces had been us'd on board the Navy, would not fifteen or twenty thouſand of them thus employ'd have done more Miſchief to the Enemy than fifty or threeſcore thouſand in *Flanders?* They might have landed in their Country, their ſenſible part, which we have ſo gently touch'd; ſuch a Force would have been ſufficient to ravage 10 or 20 Miles round in their Country, and when the Enemy had got ſufficient Force together to repel them, they might e'en have marched aboard again with their Plunder; and coaſting along their Country, in two or three days have landed again a hundred Miles from the place they landed in before, and retired aboard as before, and practis'd this Trade along their Coaſt from Eaſt to Weſt; this would have been a tireſom Diverſion indeed: They would thus have had no time to ſow or reap, or dreſs their Vineyards; this would have diverted their Armies abroad, perpetually haraſs'd their Arrear-ban at home, kept their Peaſants from their Employments, and fill'd them with continual Fears and Alarms. Being kept continually waking, it might have alter'd the Temper of an impetuous aſpiring Enemy; waking they ſay will tame a mad Horſe, why not a mad Tyrant? But whether our Miſmanagements have been occaſion'd thro Ignorance of the Managers, or thro an evil Deſign againſt our Country, is yet left to determine; but both are equally noxious to a Nation, and by continu'd Succeſſions of Grievances without redreſs, the moſt flouriſhing Kingdom, the moſt glorious Monarch, and moſt warlike People may at once be impoveriſh'd at home, and grow ſcandalous abroad: For nothing conduces more to the Honour and Glory of a Nation than the good Opinion foreign States and Governments have of their Management; they'l give reſpect according to the Polity of their Government; if wiſe they'l court its Favour, if fooliſh they'l deſpiſe it: Tho a Man be ſtrong and rich, his Adverſary values it not, knowing his blind ſide, and how to cully him out of his Birth-right. The Management of our Maritime Affairs has been the common Subject of all Tongues, as it has been the common Grievance of the Nation; and what makes it the more reſented by thoſe that have paid Mony to the Managers, and been at the Charge of our Naval Force,

Management of maritime Affairs a great Grievance.

is the mighty Advantage *England* has had over the Enemy in this point. Let us conſider the natural Advantage of our Dominions, the happy Situation of our Territories in order to annoy our Enemy: Let us (and that not without ſhame) look into the *Aquitain* Sea, and behold there the Iſlands of *Jerſey*, *Guernſey*, &c. in our poſſeſſion, juſt upon the Enemy's Coaſt, provided with Harbours, convenient Peers, ſafe Roads for Ships to ride in ſecure of all Tempeſts, overlooking the Enemy's Ships as they paſs from St. *Malo*, *Granvile*, &c. and at the ſame time to conſider that they have been of no other advantage during the War than an accidental Shelter to ſuch of our Ships as have touch'd there, is matter of Amazement as well as Miſcarriage. In the time of the Civil Wars Sir *Geo. Carteret* was Governour of the Iſland of *Jerſey* in truſt for the Royal Family, and with about twelve or fourteen very ſmall Frigats ſo annoy'd *England*, that the Government then in being was forc'd to ſend a Fleet with conſiderable Forces to reduce that Iſland. Had we been wanting of Shipping during the War, the Caſe would have been alter'd; but had a ſmall number of our Ships cruiz'd in that Station, the very Prizes they would have taken had been ſufficient to have paid the Charge of the Ships, provided the ſaid Prizes had not been converted to private Uſes, and ſunk in Grants. I have often wonder'd the *French* during the War did not repoſſeſs themſelves of thoſe Iſlands, notwithſtanding the ſincere Affection of the Inhabitants to the preſent Government, their good Diſcipline and Native Courage: they would certainly have made ſome Inſults upon thoſe Iſlands, had they not reap'd a greater Advantage by them than the poſſeſſion of them would have amounted to; for from thence they were ſupply'd with Lead, Pitch, Tar, and other Neceſſaries of War, beſides a ſettl'd Intelligence of the Affairs of *England*, and all this done by the King's own Officers. The Regiſter of Certificates in the Iſland of *Jerſey* was complain'd againſt at Court upon this account, and by his own Confeſſion as well as by the Depoſitions of ſeveral Witneſſes, convicted thereof before the Council, and by the Council diſcharg'd for the ſame. But ſuch is the Fate of ill Men in Offices, and who do diſſervice to their Country, that ſoon after his diſcharge he was puniſh'd with a Landwaiter's Place in the Port of *London*, which Place he enjoys at this Juncture, as if the Prieſt of *Chauſey* his traitorous Correſpondent had abſolv'd him from all his Sins, and made him again *rectus in Curia* at *Whitehall*. When there is a Concatenation of Villany in Publick Offices, one Link of the Chain muſt not be broken; if ſo, it is a Chain no longer. But this is a ſmall Kindneſs in his Patron Sir *W. Y.* thus to advance the Brother, who has two of his Siſters to ſerve under him. Our Miſmanagements every body knows, and we have Complainers enow, but the Difficulty we labour under is to find out Puniſhers: We have had ſufficient Experience that the puniſhing of Criminals with good Offices and Employments, has had an effect anſwerable to the Folly of the Project; to puniſh a Captain for giving away a 5th Rate to the Enemy, with preferring him to a fourth Rate, will never do our Buſineſs. If you officer your Ships of War with *Rigby*'s, and man them with Landmen, chriſten'd by the name of Marines, you'l make but indifferent work of it. And now I mention Marines, I would beg the favour of you, Sir, to keep them at home, and ſet 'em Sentinels over the Farmers Cocks and Hens; for they do us no other Service here than to eat up our Proviſions, make us louſy, and ſtand in our way: Theſe amphibious Soldiers, that live either on Land or Water, are a Scandal to both, and ſerviceable on neither. We don't want Sailors now, and are willing to be freed from the Plague of Land-Lubbers: yet you ſee the Army-folk are deſirous of 'em, any thing rather than loſe their point; an Army they would have, tho it were of Tatterdemalions, while the Credit, Reputation, and Uſefulneſs of the *Engliſh* Navy is ſunk, and overſet by a ſort of Men that have a Neceſſity for a Land Force to the Ruin of our Country, and the Loſs of our Birth-rights.

The Advantages to be made by the Iſles of Jerſey *and* Guernſey *neglected.*

Advantages France *has had from thoſe Iſlands.*

The King's Officer at Jerſey *held Intelligence with* Fran.

An

An ESSAY on a Regiſtry for Titles of Lands.

The PREFACE.

MY *Name ſtands already printed to a late Eſſay, intituled,* Several Aſſertions proved, in order to create another Species of Mony than Gold and Silver, *of which I am not aſham'd; and I have added my Name to this, that (whatever Uſage it meets with) I may ſtand bound to recognize it.*

I hope I have ſuch a Warrant to ſearch for Truth, that will juſtify me in breaking thro all Crafts and Sciences to find it; as Hunger juſtify'd David *and his Men for entering the Prieſt's Houſe and eating the Shewbread.*

And becauſe I find that I ſhall ſcarce be able to begin, much leſs to get through my Argument, without unfolding ſome Myſteries of Iniquity between Prieſts and Lawyers, relating to the Titles and Settlements of Lands; I hope, that the Modern Profeſſors of either of theſe Sciences will not be offended with me for ſpeaking the whole Truth; but if they ſhould, They will thereby be Witneſſes againſt themſelves, that they juſtify the Deeds of their Fathers.

And if I ſhould be charg'd with Profaneneſs, for mingling Sacred Things with Secular, I will ſhelter my ſelf under the Lord of the Sabbath, who was accus'd for doing Buſineſs on that Day; and

Haud timeo ſi jam nequeam defendere Crimen,
Cum tanto commune———

Several Aſſertions proved, in order to introduce a Bill for Eſtabliſhing a Regiſtry for Titles of Lands.

Firſt Aſſertion.

That as the Law now ſtands, the Freehold Lands in England *may be incumbred in divers Manners, and at divers Places.*

PROVED.

FRee-hold Lands may be incumber'd theſe ſeveral ways:

1. By Feofment, which muſt be executed in the Place where the Lands lie. *Several Incumbrances on Freehold Lands.*
2. By Grant with Attornment, of which the Tenants muſt have notice.
3. By Fine and Recovery (with a Deed leading the Uſe) which are Matters of Record.
4. By

4. By Bargain and Sale, inrolled in either of the four Courts at *Weſtminſter*, or with the *Cuſtos Rotulorum* of the County where the Lands lie.
5. By Judgments in the Courts at *Weſtminſter*.
6. By Recognizances enter'd in the Courts where they are acknowledg'd.
7. By Statutes Merchant and Staple tranſmitted into *Chancery*.
8. By Leaſe and Releaſe, which may be executed any where.
9. By Leaſes granted out of the Lands, which may be executed any where.
10. By Rent-charges granted out of the ſame, which may be executed any where.
11. By Will in Writing.
12. By Bonds to the King, which are in the nature of Statutes-ſtaple.

All theſe are Incumbrances made by the Act of the Party. Beſides which there are others that happen by Default, as Acts of Bankruptcy, Eſcheats and Attainders.

Now I am not a going to calumniate the Law, for allowing of ſo many ſorts of Incumbrances on Lands, but for permitting them to be done in divers Places, *Which doth render the Titles to Lands uncertain, and therefore is a Deficiency in the Law:* And tho the Law hath directed ſeveral of them to be recorded, yet this doth not remedy the Uncertainty.

Defect in the Law. *Firſt*, Becauſe theſe Records do lie in ſeveral Places, which makes the ſearch thereof chargeable, and the finding difficult.

Secondly, Becauſe thoſe that are upon Record, have no Preference above thoſe that be not: ſo that ſhould a Purchaſer diſcover all that are recorded, he may be defeated by thoſe that are not; which can never be diſcover'd, but by the Confeſſion of them that made them, becauſe they may be executed any where.

The Author's Deſign. Therefore the Drift of this Eſſay, is to give a Sanction to one Place above all the reſt, by annexing a Privilege to it, and leaving it to every Man's Pleaſure whether he will purchaſe that Privilege or not.

To ſhew the Neceſſity and Conveniences whereof, I ſhall offer the following Arguments.

Second Aſſertion.

That the Advantage taken (by the Conveyances in the Law) of the Statute of Uſes, 27 H. 8. in making Clandeſtine Conveyances, contrary to the true intent and meaning of that Parliament, and all the avowed Laws and Cuſtoms of England, *doth occaſion a Neceſſity of a Regiſtry to prevent them.*

PROVED.

In tracing out the Occaſions of making this Statute, I was drawn through all the Statutes againſt Mortmain, as far back as *Magna Charta*, which doth prohibit the giving Lands to Religious Houſes, by which it did ſeem to me that Lands had been ſo given before that time, or elſe it had not been prohibited: For human Prohibitions generally come after the Fact committed, whereas the Laws divine prohibit by way of Prevention; *Adam* was forbidden the Tree before ever he had taſted of it.

Statute of Mortmain amongſt the Jews. The firſt Statute againſt Mortmain, was made by God himſelf before the Fact committed; for by the *Moſaical* Law, which inſtituted the firſt Society of Prieſthood, the *Levites* are forbidden to have any Inheritance but the Tithes, that they might not dote upon their Poſſeſſions. But Avarice increaſing upon them by an Acquiſition of Wealth, which they did not know how to diſpoſe of, they agreed to ſet up a Publick Treaſury by way of Joint-ſtock for the uſe of the Church, which was not within the Words of the Prohibition; and out of this Joint-ſtock they paid *Judas* the *thirty Pieces of Silver*, which being return'd by him, they were loth to part with it, and yet puzled what to do with it, becauſe, being the Price of Blood, it was againſt their own Canons to put it again into their Treaſury; *Therefore they took Counſel, and bought the Potter's Field to bury Strangers in.* As my Lord *Coke* commends the Wiſdom of our Antient Clergy, for always chuſing the moſt Learned in the Law to be of their Counſel, ſo it ſeems theſe Prieſts of old were endu'd with the like Wiſdom: *For the Children of this World are wiſer in their Generation than the Children of Light.*

Now theſe Lawyers advis'd their Clients, that notwithſtanding this Canon, they might purchaſe Lands with this Mony, and annex them to their Church: But this being

being againſt the Law Divine, prohibiting their purchaſing of Lands, the Lawyers found this Stratagem, *To purchaſe theſe Lands for a Burying-place only, in the nature of a Church-yard*; which being a thing of Neceſſity, and made Sacred, would exempt, or at leaſt excuſe it from this Statute againſt Mortmain; and the Prieſts computing that this might turn to as much Profit as any thing elſe (having double Duties for lodging of Men, and Meat for Horſes) they conſented to lay out their Mony in it. (Any thing to get a Penny in an honeſt way.)

And this *Field of Blood* was *the firſt ſpot of Glebe in the World*, to which the Prieſts will be intituled (in right of the Church) if ever they gain poſſeſſion of the Holy Land.

But having laid this Neſt-Egg, they went on to join Field to Field; and had they been let alone, had converted whole Kingdoms into Holy Ground before now.

And why Houſes of Religion are ſaid to be more haunted with Ghoſts than Lay-Tenements I can't tell, unleſs ſome of their ſubſequent Augmentations were the Price of Blood, as well as their Original Purchaſe.

The Practice of England.

But now to begin at our Laws: It is ſtrange to obſerve, how the Parliaments of *England* did hunt the Prieſts and Lawyers with Statutes againſt Mortmain, from the making of *Magna Charta*, 9 *H.* 3. to this Statute in 27 *H.* 8. and yet could never catch them.

The Statute of *Magna Charta* (as has been obſerv'd) *prohibited the giving of Lands to any Religious Houſe.* To evade this, the Lawyers adviſ'd the Clergy two things: *Firſt*, That whereas ſeveral great Eſtates were held of them, under ſmall Rents, that they might purchaſe in theſe Eſtates to their Church, becauſe they were before held of them. *Secondly*, The Prohibition of the Statute being to *Religious Perſons only*, that the Secular Clergy were exempted.

Evaſion of Statutes.

To hunt them out of theſe Holds, the Statute of 7 *E.* 1. call'd *Statutum de Religioſis*, doth prohibit any Religious Perſons, or others (which includes the Secular Clergy) by any manner *of Craft or Engine to take Lands in Mortmain*, and ſo they could not purchaſe in the Eſtates held of them.

To evade this Statute, the Lawyers adviſ'd the Clergy, That if they had any ſilly Confeſſants who had a mind to be cheated of their Eſtates, they might ſuffer a feign'd Action to be brought againſt them, and therein loſe their Lands by default: which Recoveries were adjudged by the Juſtices not to be within any of the Words of this Statute, and therefore they were allow'd; *For that Recoveries being proſecuted in courſe of Law, were by Law preſum'd to be juſt and lawful, tho they were done in* Fraudem Legis.

To drive them out of this Hold, the Statute of *Weſtminſter* 2. *makes all Lands ſo recover'd to be forfeited to the Lords of the Fee, and for want of their Entry to the King.*

Frauds of Lawyers and Prieſts.

To evade this Statute, the Lawyers adviſ'd the Clergy two Things: *Firſt*, That for all Lands lying round the Church, they might enter into them by aſſent of the Tenants, and make them Church-yard by Bulls of the Pope (whether they had this by Precedent from the Original Purchaſe, or according to the Proverb, *That good Wits jump*, is not material.) *Secondly*, They adviſ'd them that they might purchaſe Lands in the Names of other Perſons to their Uſe.

To hunt them out of theſe Holds, the Statute of 15 *R.* 2. prohibits both theſe.

To evade this, the Lawyers adviſ'd the Clergy, that they might purchaſe in the Names of other Perſons *in Truſt* for themſelves; which Truſt was not within the preciſe Words *of Uſe*.

And thus the Prieſts continu'd to cheat the People of their Eſtates, and the Lawyers the King of his Eſcheats for above three hundred Years together, in ſpite of all Laws made to the contrary.

In which time they had taught the Laity this Craft, to convey away their Legal Eſtates to Perſons in Truſt, whereby to prevent the Deſcent to the Heir, and conſequently the Wardſhip to the King and other Lords, and yet to keep the Uſe and Permanency of the Profits to themſelves and Families: Of which King *H.* 8. complaining to his Judges, they adviſ'd an Act for transferring all Uſes and Truſts into Poſſeſſions; for which purpoſe a Bill was drawn by the King's Counſel, and preſented to the Houſe of Commons in the 24*th* Year of his Reign, when it was rejected, but paſs'd in the 27*th*, which is this Statute of Uſes.

And four Years after a Statute paſs'd (worth all the former) for diſſolution of Monaſteries; by which the Prieſts loſt their Lands, and the Lawyers their Clients (tho not their Cunning) as will appear by the Sequel.

Now

Bargain and Sale in Convey-ance.

Now this Statute of Uſes 27 *H.* 8. hath introduc'd a new Conveyance in the Law (which was not before) by way of *Bargain and Sale:* for tho a Bargain and Sale did raiſe a Uſe at the Common Law, yet it was not a compleat Conveyance to transfer the Poſſeſſion without an actual Delivery of it in the Country; but now this Statute doing that Office by transferring the Uſe into a Poſſeſſion, a Bargain and Sale became a compleat Conveyance without any other Ceremony. And the ſame Parliament foreſeeing that this Bargain and Sale ſo perfected, might become a clandeſtine Conveyance to be executed any where, did intend to provide againſt it by making a ſhort Statute the ſame Seſſions for that purpoſe, call'd, *The Statute for Enrollments*, by which all Conveyances of Inheritance of Freehold, which paſs by Bargain and Sale only, are to be enroll'd within ſix Months after the Date, that Purchaſers may have notice thereof from the Record.

But of late Years the Lawyers have topt their Inventions upon theſe two Statutes. For, *Firſt*, they make a *Bargain and Sale* for a Term only (now generally call'd a *Leaſe for a Year*) and which is not within the Statute of Enrollments: and by this the Leſſee gains a Uſe at Common Law, and a Poſſeſſion by the *Statute of Uſes*; which makes him capable of taking a Releaſe of the Reverſion at Common Law, and then they make a Releaſe to him and his Heirs accordingly. Which two Deeds make him one perfect Conveyance, and ſo by putting the Common Law at both Ends, and the Statute of Uſes in the Middle, the Statute for Enrollments is bilkt, and theſe Conveyances by *Leaſe and Releaſe*, which are clandeſtine Conveyances, and invented by the Abuſe of one Statute, and the Illuſion of the other, are become the common Conveyances of the Kingdom.

I challenge the Inns of Court to ſhew that either the Common Law or any Parliaments of *England*, ever directed any Incumbrances to affect Lands, but by ſolemn Livery and Seiſin, or Matter of Record; and therefore theſe clandeſtine Conveyances are crept in, contrary to the Intent and Meanings of Parliaments, and all the avowed Laws and Cuſtoms of the Kingdom.

Two Titles to Land in England, 1. *By Deſcent.* 2. *By Purchaſe.*

There are two common Titles to Lands in *England:* The one by Deſcent, which is prov'd by Marriages, Baptiſms and Burials; and the other by Purchaſe, which is prov'd by Deeds. And where there is one diſpute of Title by Deſcent, there are ten by Purchaſe; becauſe the Titles which ſhew the Deſcent are regiſtred, and thoſe by Purchaſe are not: for were theſe Marriages, Baptiſms and Burials, left at large without notifying of them as Purchaſes are, it would ſoon breed Confuſion in all the Deſcents of the Kingdom. And is it not a Reproach to the Law, that that part of the Titles of Lands, which is the Province of poor Pariſh Clerks, ſhould have more certainty in it, than that which belongs to the Profeſſors of the Law?

Third Aſſertion.

That all Objections made againſt the Regiſtry, upon account of Miſchiefs which may ariſe by Diſcovery of Titles, are not only contrary to all the avow'd Laws and Cuſtoms of England, *but to the very Eſſence of the Title, and the Hiſtory of Conveyances.*

PROVED.

Some Notice is eſſentially neceſſary to the Title of every thing that is vendible: *To make a Title, is to take the Property of a thing from one Man, and put it into another:* Of which it is neceſſary that other Perſons ſhould have notice as well as the Parties, or elſe the Purchaſer can have no Title, becauſe there is no Witneſs to give Evidence of it, in caſe the Seller ſhould deny it. And as ſome Notice is abſolutely neceſſary to all Title, ſo the more Notice is, the better is the Title; it were better for every Man who is Owner of an Eſtate, that all Men knew his Title, and then whenever he had occaſion to diſpoſe of his Eſtate, there would be no further Enquiry into the Title of his Lands, than to the Title of Mony in his Poſſeſſion.

Antiquity of Conveyances.

And as Notice is thus neceſſary and advantageous to Title, ſo in the Hiſtory of Conveyancing, the moſt perfect Titles are moſt notorious, or rather the moſt notorious are moſt perfect.

And becauſe Antiquity of Precedents is the greateſt Argument in the Law, I'll quote one out of that Authority, which treats of Things done before the Foundations of the World, and tells us of ſeveral things that will come to paſs after the Diſſolution of it. The Hiſtory of the World is but a modern Treatiſe of things of a late Date,

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Date, which were done in purſuance of Counſels and Decrees made before: *Matters of Fact* ſet forth, without the Original Deſign and Inſtitution of them, ſeem irrational, and to have no meaning in them. Would any thing ſeem more ridiculous, than that the taking off a Seal and delivery of a piece of Parchment by one Man ſhould give another a Title to an Eſtate, if the Law were not known which gives the Sanction to this Ceremony?

The Precedent I am going to quote is, *That great Settlement of Eternal Life, made by God upon Jeſus Chriſt, for the Conſiderations therein mention'd:* The Epitome or Contents whereof, and the manner of the Execution I find in that Hiſtory which we call the *Goſpel*; but becauſe the Contents thereof is not a Subject within this Eſſay, I will not dare to touch upon it here: But the manner of the Execution being directly within my Argument (or rather my Argument within that) I dare relate it as I find it. This Settlement was firſt Enroll'd in Heaven *(in the Volume of the Book it is written of me)* afterwards was ſeal'd and executed in the Blood of Chriſt *(the Seal of the Covenant)* in the preſence of all the World *(the Sound thereof is gone through the whole Earth)* and ſince that hath or ſhall be written and preached, printed and publiſh'd in all Nations, Kingdoms, Tongues and Countries. *(This Goſpel muſt firſt be preached in all the World as a Witneſs to all Nations, and then ſhall the End be.)* By all which God himſelf is bound up, from diſpoſing Eternal Life in any other manner than purſuant to this Settlement, without giving himſelf the Lie, which he cannot do; and Man hath ſuch Notice of this Title, that he can't accept any other without becoming an Impoſtor to himſelf.

And this is the higheſt Precedent for Man to form his Titles by, as far as it is imitable by him; *The things on Earth are but the Patterns of things in the Heavens, where the Originals are kept, to try the Truth of all things by.* God deliver'd out the firſt Forms of all things in the World, of Ships, of regular Buildings, of Letters written with his own Hand, of Marches and Encampments; taught the firſt Workers in Braſs and Bugle-work, Linen and Silks, Plowing and Harrowing, Sowing and Reaping, Threſhing and Winnowing; all which he owns to come Originally from himſelf. *A Jove Principium.*

Abraham's *Purchaſe.*

And now to begin with the Buſineſs of Man: The firſt Purchaſe I find ſince the beginning of the World was made by *Abraham* of *Ephron* the *Hittite* in theſe words. *And the Field of* Ephron *which was in* Machpelah, *which was before* Mamre, *the Field and the Cave which was therein, and all the Trees that were in the Field, that were in all the Borders round about, were made ſure to* Abraham *for a Poſſeſſion in the preſence of the Children of* Heth, *before all that went in at the Gate of the City.*

Another was made by *Boaz* of *Naomi* in theſe words: *And* Boaz *ſaid unto the Elders, and unto all the People, Ye are Witneſſes this day, that I have bought all that was* Elimelech's, *and all that was* Chilion's *and* Mahlon's *of the hand of* Naomi: *Moreover* Ruth *the Moabiteſs, the Wife of* Mahlon, *have I purchas'd to be my Wife, ye are Witneſſes this day. And all the People that were in the Gate and the Elders ſaid, We are Witneſſes. (O Tempora! O Mores!)* Purchaſes and Marriages made without Lawyers and Prieſts! However I have mention'd theſe Conveyances more particularly, becauſe I fancy our Modern Conveyancers with all their Trumpery of ſtationary Ware, can't make better either for Form or Subſtance. And theſe were made by Parol, being before the delivery of the Form of Letters to Man.

Jeremiah's *Purchaſe.*

The firſt that I have obſerv'd in Writing, was the Purchaſe of Redemption made by *Jeremy* of *Hananael*, in theſe words: *And I ſubſcribed the Evidence and ſealed it, and weighed him the Mony in the Ballances; ſo I took the Evidence of the Purchaſe, both that which was ſealed according to the Law and Cuſtom, and that which was open, and gave them to* Baruch *in the ſight of* Hananael, *and in the preſence of the Witneſſes, who ſubſcrib'd the Book of the Purchaſe before all the Jews that ſat in the Court of the Priſon; and charged* Baruch, *ſaying, Take the Evidence, as well that which is ſealed, as that which is open, and put them in an Earthen Veſſel, that they may continue many days.*

By this it doth appear, that Regiſtring of Deeds is as antient as the Deeds themſelves: Here is the Original ſealed, and then regiſtred in a Book, to which the Witneſſes ſubſcrib'd their Names. Now *Baruch* had the Cuſtody of the Regiſtry, in the nature of a Publick Notary for that purpoſe, being elſewhere call'd *Baruch the Scribe:* But that the Original was deliver'd him, was an extraordinary thing, for that belongs to the Purchaſer; and it being juſt before the carrying away Captive into *Babylon* (of which *Jeremiah* had notice) he deliver'd them both to *Baruch*, to hide them till the return of the Captivity.

The Title made publick. That which I cite theſe Precedents for, is the Notoriety of them, by calling all the People together to bear Witneſs; and an Inrollment beſide to that which was in Writing.

And methinks all the old Forms in the beginning of Deeds, ſhew the Intention of making them as publick as they could be: *Know all Men by theſe Preſents*; and, *To all People to whom theſe Preſents ſhall come*, &c.

And as the Law intends Notice of all things done by Deed, ſo it hath provided Publications for things done without Deed, as Fairs and Markets for ſelling of Cattel, that the Purchaſers may not be cheated: Publications in the Churches before Matrimony, and Regiſtring after it, to prevent *Bigamy*. So the Law marks Felons in the Hand or Cheek, that none may truſt them.

And yet after all this, there is a Proviſion intended in the Bill for this Regiſtry, whereby any one may conceal the Uſes declar'd of his Eſtate, yet ſo that there ſhall be ſome Notice taken of the Deed by which the Uſes are declar'd, that the Owner of the Land ſhall be incapable of ſelling or mortgaging his Eſtate, till he doth produce that Deed, whereby a Purchaſer or Lender cannot be defeated.

Fourth Aſſertion.

That all Objections made againſt this Regiſtry, upon account of reducing the Practice of the Law, are one good Reaſon for it.

PROVED.

The Practice of the Law in Civil Cauſes is divided into three ſorts: Firſt, *The transferring of Titles*, which is call'd *Conveyancing*. Secondly, *The ſhewing forth and defending theſe Titles in Forms of Law*, and this is call'd *Pleading*. Thirdly, *The arguing upon theſe Conveyances and Pleadings (when they come in Conteſt) before the Judges*, and this is call'd *Practice at the Bar*. So that the Practice of the two latter doth ariſe from the Errors or Incertainties of the former. Were the Titles of Lands once made certain (which they may be by a Regiſtry and no otherwiſe) I know what I think of the future Gains of the Law: The Profit of the Law ariſes from the Incertainty of Property; and therefore as Property is more reduc'd to a Certainty, the Profit of the Law muſt be reduc'd with it, the Fall of the one muſt be the Riſing of the other. Actions of Slander and Battery, and Cauſes on the Crown ſide, would ſcarce find ſome of the Circuiteers Perriwigs, and yet (if we obſerve Evidence) they ſtand oblig'd to diſpute in Titles for many of theſe. Thief and Whore, Kick and Cuff, are very often the Effects of forcible Entries, Treſpaſſes, and ſerving of Proceſs, in which the Title comes frequently in queſtion. But the reducing this part of the Practice of the Law, are things not ſeen as yet. The *Proximus ardet* will fall upon the Conveyancers, and that not by altering the Forms of legal Conveyances, or taking them out of their hands, or putting any ſtop to the dealing in Lands (for that will be increas'd) but by expoſing their manner of Practice in this Conveyancing part of the Law.

Abuſes from the uncertainty of Titles.

For as it was numbred among the Sins of one of the Kings of *Iſrael*, that he made Prieſts of the meaneſt of the People, ſo it is the misfortune of the People of *England*, that Conveyancers are frequently made out of old Attornies or Noblemens Leaſe-makers fumpt up in Bar-gowns. Two Qualifications are neceſſary to a compleat Conveyancer: Firſt, *That he be incapable of diſpatching Buſineſs ſo faſt as he ſhould.* Secondly, *That he doth not diſpatch it ſo faſt as he can.* Not to ſpeak of bantering their Clients with their ſeeming Care and Caution in delaying their Buſineſs, ſhewing great Trunks of old Writings in their Chamber, calling to their Clerks (before them) for one Lord's Settlement, and another Lady's Jointure, to tell what great Clients they have; and when they come to be paid, they reckon their Fees by Longitude and Latitude. I have ſeen an original Mortgage of one Skin bred up by a Scrivener (in ſix Years) to one and twenty, by aſſigning it every Year, and adding one Skin to every Aſſignment by Recitals and Covenants. As Cows after three Years old, have one Wrinkle added to each Horn for every Year after, which ſhews their Age: And I am inform'd that one Deed of ſixty Skins was heav'd out of a Conveyancery Office the other day.

Qualifications of a Conveyancer.

At this rate in a little time the Clients muſt drive their Deeds out of the Lawyers Chambers in Wheel-barrows. Theſe Aſſignments and Re-aſſignments of Securities, have been a pretty ſort of Perquiſites, eſpecially if they have but an old Judgment or Statute kept on foot, theſe are certain annual Incomes. I knew two Serjea

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Serjeants at Law (Uſurers) made it their common Practice every long Vacation to ſwop Securities with one another, to make their Mortgagers pay for the Aſſignment; and (doing this without Advice of Council) they once merg'd an old Term, and thereby ſpoil'd their Title to ſecure their Fees; which (as to them) anſwers the Character given of theſe Graduates by a Foreign Hiſtorian, *Eſt in Regno Angliæ genus hominum doctorum indoctiſſimum, communiter vocatum, The Learned Serjeants at Law:* Now I can't think but theſe Conveyancers and Aſſigners would be aſham'd to produce ſuch things to a Regiſtry; and that therefore they muſt either abbreviate their Conveyances, or loſe their Practice.

But whether this Regiſtry will make theſe Reductions, 1. Of the Length of Conveyances; 2. The Uncertainties of Titles; And 3. by conſequence, the other Practice in the Law, I cannot tell: However I hope it, and believe ſome of them fear it.

But if the Crys of Monks and Fryers had been regarded, we had never heard of the Diſſolution of Monaſteries; and if the Clamours of Maſters of Requeſt, Clerks, and Eſcheators had prevail'd, the Court of Wards and Liveries had been ſtanding at this day. And yet perhaps moſt of theſe had either purchas'd their Places, or were bred up to that part of the Law only.

Fifth Aſſertion.

That the Aſſurance of the Title, and Diſpatch of Buſineſs by this Regiſtry, will be more than equivalent to all the Charge in Regiſtring the Incumbrances.

PROVED.

The Certainty of Titles being the main drift of this Eſſay, it would be too mean an Argument to uſe for it, to ſay, That the Charge of regiſtring of Deeds will be ſav'd by reducing the Charges in making them. Altho this be true, yet granting it ſhould not, and that this Regiſtry ſhould be an additional Charge to all others, the Privilege of it will be worth the Price. *Regiſtry no new Charge.*

It is ſaid, that whenever the Ld. Ch. Juſtice *Hale* had made a Purchaſe, he would ſay, *Now I would give a Year's Purchaſe more to be ſure of my Title:* and if we ſhould ask thoſe who have loſt their Eſtates for want of a Diſcovery of Deeds, they would ſet a higher Price upon it.

Men generally make their Purchaſes (with the Acquiſitions of all their former Life) to ſettle them on their Poſterity, for whom they are more ſollicitous than for themſelves; and therefore they are always more jealous of the Title than the Value, becauſe a Deficiency in Title goes to the whole, but a Deficiency in Value goes but to a part only; and for that Reaſon they would almoſt think nothing too much to aſſure them of their Title.

If a Man one hundred and fifty Miles from *London*, is to ſue his Neighbour but for 10 *l.* he muſt employ an Attorney in the Country, who muſt ſend to another in *London* to make out a Writ, and this muſt be enter'd in one Office and ſeal'd in another, and then ſent to the Sheriff, who muſt make out a Warrant, and deliver it to his Under-Officers, who muſt arreſt the Defendant, take a Bail-bond to the Sheriff, and after Bail given to the Action, the Plaintiff muſt declare, to which the Defendant may plead almoſt what he pleaſes for Delay; and if he pleads to iſſue (which is the faireſt can be expected) there muſt be iſſue join'd, a Record ſeal'd and ſent down to the Aſſizes, a *Ven.* and *Diſtringas* to return to the Jury, Notice of Tryal to the Defendant, a Tryal had, the Verdict return'd upon the *Poſtea*, Judgment enter'd, Execution ſu'd out and deliver'd to the Sheriff, and a Warrant from him to his Under-Officer to levy it.

Now I don't calumniate this Proceſs for Recovery of Debts, nor did I ever hear the Lawyers complain of this as a Burden to the People. But why of all Troubles the Trouble of a Regiſtry ſhould be only grievous, I can't tell, unleſs becauſe it puts an End to Strife. Is it ſuch a mighty Trouble for an Attorney's Clerk, when he is to enter upon a Judgment, to ſtep into the Regiſtry and leave an Entry made of it? and is it ſuch a great Trouble for a Man when he has ſeal'd a Deed, to go to the Regiſter to acknowledg it? *Regiſtry no Grievance.*

There's more Trouble than all this in transferring Copy-hold Eſtates, and yet we don't hear much Complaint about them: Men are ſeldom in ſuch haſt about laying out their Mony, or at leaſt their Lawyers are not ſo violent in diſpatch of

their Buſineſs, but they may diſpenſe with the Ceremony of a Regiſtry, to prevent the loſs of their Eſtates.

Great charges one is at now in Purchaſing.

Feſtina Lente is the Conveyancers Motto, and therefore they adviſe their Clients not to hurry them, nor put them out of their own pace; they muſt think nothing troubleſom but the entering the Deed in a Regiſtry. To come to a Lawyer's Chamber twice a Week, to know when they ſhall come again; then to have a Bill of Directions to ſend for ſome Deed which the Lawyer wants, and which perhaps is a hundred Miles diſtant, in they know not whoſe Hands; to employ an Attorney to ſearch for Judgments, Statutes, Recognizances, Deeds inroll'd in four Courts; to ſend for a Copy of a Will prov'd in a remote Dioceſs, and bring an account of all this to the Lawyer, and give him a new Fee, and then begin again; and may be two or three ſuch *Recipes* before the Title be finiſh'd: and the Clients muſt not think much of all this, but take it as the Nature of Buſineſs.

And yet I can't ſay but all this may be neceſſary, as the Caſe now ſtands, which muſt ſtill grow worſe, if let alone: For the Troubles and Hazards of Titles muſt continually increaſe, until they are reduc'd to a greater Certainty by a Regiſtry.

But then as a Regiſtry would reduce the Incertainty of Titles, it muſt thereby take away the Delays in Conveyancing, and conſequently abridg the Charges: For as the *Phariſes* made long Prayers, as a pretence or equivalent for devouring Widows Houſes; ſo Practiſers in the Law muſt make out long Bills, on pretence for demanding large Fees: Like ſome Tooth-drawers, who drag their Patients by the Jaws about the Room, to ſhew them how hardly they earn their Mony. To cure a Deficiency in Titles, would be as fatal to Conveyancers, as the Cure of a lame Leg to a Beggar.

It is pleaſant enough to any one (but thoſe who are to pay for it) to read a Conveyancer's Bill of Fees, made out for Clients who don't pay well by the great.

To Counſel for peruſing ſeveral long Deeds of the Title, which from the beginning to the end was near ſix Months, and drawing ſeveral long Conveyances, in all thirty Skins of Parchment, 100 Guineas.

To his Clerk for ingroſſing the ſame, and Expedition, 30 Pounds.

So here the Counſel is paid for Delay, and the Clerk for Expedition, which puts me in mind of three *Items* ſet down in a Country-Scrivener's Bill, *Pro ſpeciale labore,* 6 s. 8 d. *Pro expeditione,* 6 s. 8 d. *Pro Diſpatch,* 6 s. 8 d. The firſt was for keeping the Buſineſs a great while, and the other two for doing it preſently.

Sixth Aſſertion.

That in caſe this Regiſtry be admitted, it ſeems more practicable and leſs troubleſom, to ſettle it in the Metropolis, than to diſpoſe it into the ſeveral Counties.

Regiſtry to be ſettled in London, & the Reaſon for it.

Tho the Soil of Lands lies in ſeveral Counties, yet Concourſe of Buſineſs to the Metropolis, doth generally occaſion the transferring of Titles there (eſpecially of all that are conſiderable) ſcarce a Purchaſe or Mortgage of 500 *l.* but is tranſacted in *London*; and by Poſt and other Correſpondencies, it is leſs trouble to tranſmit any thing thither, than a few Miles in the Country.

'Tis obſervable, that the Statute for Inrollment giving Liberty to enter Deeds in either of the four Courts at *Weſtminſter*, or in the County where the Lands lie; the latter is ſeldom us'd:

And many Deeds containing Lands in ſeveral Counties, it would be inconvenient to enter them all.

But ſhould it afterwards be found neceſſary to extend this elſewhere, it will be better done from this as a Precedent, than to ſettle it altogether.

The Judges of the Kingdom were at firſt reſident in the King's Courts only, and from thence were made Itinerant as the Occaſions of the Country call'd for them.

There can be no Streams without a Fountain; but when that is finiſh'd, the Water may be directed to any place.

Nothing can be perfected without a beginning; and therefore to reſolve to do nothing till we can do every thing, is an abſolute Reſolution to do nothing, and puts us in the caſe of the impotent Man at the Pool of *Bethesda*, who (by Concluſion) was under an impoſſibility of being heal'd, for he could not be heal'd till he ſtept in, and he could not ſtep in becauſe he was lame.

And

And having thus argu'd for Publication of Titles, as a Notice againſt Frauds; I hope Envy cannot ſay, but I have fairly publiſh'd my thoughts about it: and were all Propoſitions for new Laws made as publick as this before they paſſed, perhaps it might ſave the Labour of ſubſequent Acts to repeal or explain them. *The Law defective.*

As to what I have ſaid in the Law, I appeal to them that know it, whether I have miſrecited or miſinterpreted it.

And notwithſtanding all that I have ſaid of ſome of the Lawyers, I am ſo well ſatisfy'd in my Relation to that Science, that I would not exchange it, to be a higher Graduate in any other. And it is more owing to the Candor of the Chiefs of the Law (who ſit in the Seats of Judgment) in diſcouraging all fraudulent Practices, and to the Care and Fidelity of the Practiſers of the Law, than to the Law it ſelf, that there are no more Frauds committed in the Titles of Lands, under the preſent Incertainty of them: For we ſee, if but one or two in an Age of that Profeſſion (and none of the moſt Learned neither) do apply themſelves to drawing Deeds and forging Evidences, what Work they make in *Weſtminſter Hall.*

And as my Lord *Coke*, ſpeaking of the third Court of Wards, ſaid, *That tho the Parliament had rejected ſeveral Propoſals for taking away thoſe Tenures, yet he did not doubt but God had that Kindneſs for the People of* England, *that an Act would once paſs for that purpoſe, by giving the Crown an Equivalent*; all which was fulfill'd ſince his Death: So I have that foreſight of the growing Miſchiefs for want of a Regiſtry, that I am confident the Neceſſity of it will force its own way. And therefore were I now a dying, I would ſend this out into the World to take its Fate, with this Motto only,

——*Sine me, Liber, ibis in Orbem.*

A Bill for eſtabliſhing a REGISTRY for Titles of Lands.

WHereas by the Common Law of this Realm, Lands, Tenements and Hereditaments were not to be transferred from one to another, but by ſolemn Livery and Seiſin, or Matter of Record.

And whereas by the Statute made in the 27th Year of the Reign of King *Henry* the Eighth, *Intituled,* An Act concerning Uſes and Wills, *a Bargain and Sale did become a Compleat Conveyance in the Law, whereby Lands and Tenements might be transferr'd from one to another in a clandeſtine manner, without Livery and Seiſin, or matter of Record:* For Prevention whereof, *by another Statute made in the* 27th *Year of the late King* Henry *the Eighth,* For Inrollment of Bargains and Sales, *it was enacted that from and after the laſt Day of* July, *which ſhould be and ſince was in the Year of our Lord, Mannors, Lands, Tenements, or other Hereditaments ſhould paſs, alter or change from one to another, whereby any Eſtate or Inheritance of Freehold ſhould be made or take effect in any Perſon or Perſons, or any Uſe thereof to be made, by reaſon only of any Bargain and Sale thereof, except the ſame Bargain and Sale were made by Writing, indented, ſeal'd and inroll'd in one of the King's Courts of Record at* Weſtminſter, *or elſe within the ſame County or Counties, where the ſame Mannors, Lands or Tenements ſo bargain'd or ſold, lie or be, before the* Cuſtos Rotulorum, *and two Juſtices of the Peace, and the Clerk of the Peace of the ſame County or Counties, or two of them at the leaſt, whereof the Clerk of the Peace to be one, and the ſame Inrollment to be had or made within ſix Months after the Date of the ſame Writings indented.*

And whereas ſince the making the ſaid Statutes, of late Years, there have been ſeveral Inventions for conveying of Eſtates of Inheritance of Freehold, by Way of Leaſe and Releaſe, and alſo for making of Bargains and Sales thereof for long Terms of Years without Inrollment of ſuch Conveyances; both which are a manifeſt Abuſe of the ſaid Statute concerning Uſes and Wills, and an Evaſion of the ſaid Statute for Inrollments.

And whereas the ſaid Conveyances by Leaſe and Releaſe, and Bargains and Sales for long Terms of Years, being clandeſtine Conveyances to be executed any where, and invented contrary to the Intent and Meaning of the ſaid Statutes, and all the antient and avow'd

Laws

Laws and Cuſtoms of this Realm, are now of late Years become the moſt uſual and common Conveyances for conveying of Freehold Lands, whereby ſeveral Frauds and Abuſes have been committed, and ſeveral Suits and Contentions have riſen thereupon, to the manifeſt hazarding the Titles of the Freehold Lands of this Kingdom, and the diſhonour of the Laws thereof.

For remedy of the Miſchiefs aforeſaid, by providing one certain Place, where all the Conveyances and Incumbrances herein after-mentioned, relating to Freehold Lands, may be Entered, in order to the more eaſy and ready ſearching and finding out the ſame:

Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame,

This Blank is for the Conſtitution and Qualifications of the Regiſter.

And be it Enacted, That the ſaid Regiſter ſo to be appointed as aforeſaid, on or before the day of and all other ſucceeding Regiſters for ever then after, ſhall provide and keep within one of the Inns of Court, or ſome other place in or near the Citys of London *or* Weſtminſter, *an Office of Regiſtry for the Purpoſes herein after-mention'd: And ſhall provide and keep in the ſaid Office ſeveral Regiſter-Books for Regiſtring of Deeds and Writings in manner herein after-mentioned, the Counterfeiting of which ſaid Stamps ſhall be and is hereby made*———

And be it Enacted, that all Conveyances, Grants or Aſſignments of any Mannors, Lands, Tenements or Hereditaments of Inheritance of Freehold, within the Kingdom of England, *or of any Rents iſſuing out of the ſame, or of any Leaſes or Terms for Lives or Years to be made thereof, which at any time after the day of ſhall be duly ſealed and executed for good and lawful Conſideration, and ſhall after ſuch ſealing and executing thereof, be regiſtred in one of the ſaid Regiſter Books, ſhall in reſpect thereof have and be eſteemed and taken to have the Privileges and Preferences herein after-mentioned: that is to ſay, That ſuch Conveyances, Grants or Aſſignments, from and after ſuch Regiſtring thereof, ſhall be good and effectual, according to the Purport and Contents thereof, againſt all other Conveyances, Grants or Aſſignments whatſoever, which after the ſaid day of ſhall be made of the ſame Mannors, Lands, Tenements or Hereditaments, and not Regiſtred as aforeſaid, notwithſtanding that ſuch Conveyances, Grants or Aſſignments ſo omitted to be Regiſtred, ſhall be prior in Date or Execution to the ſaid Conveyances, Grants or Aſſignments, which ſhall be ſo Regiſtred.*

Provided nevertheleſs that all ſuch Conveyances, Grants or Aſſignments ſo omitted to be Regiſtred as aforeſaid, ſhall notwithſtanding ſuch Omiſſion be good and effectual againſt the Grantors, or the Perſons making the ſame, and all other Perſons whatſoever, except the Perſons claiming under the ſaid Conveyances, Grants or Aſſignments, which ſhall be ſo Regiſtred as aforeſaid, as fully and effectually to all Intents and Purpoſes, as if this Act had never been made.

And for preventing a double Charge in Enrolling of Bargains and Sales of Inheritance of Freehold, before the Entry thereof in the ſaid Regiſter Books, Be it Enacted, That ſuch an Entry made as aforeſaid, of any Bargain and Sale of Inheritance of Freehold, at any time within ſix Months after the Date thereof, ſhall be deemed and taken to have, and is hereby made to have the force and effect of an Enrollment, within the ſaid Statute for Enrollment of Bargains and Sales, as fully and effectually to all Intents and Purpoſes as if the ſame were inrolled in either of the ſaid Courts of Record at Weſtminſter, *or with the* Cuſtos Rotulorum *of the ſame County.*

And whereas ſeveral Conveyances or Aſſignments may be made by Endorſements upon former Deeds, Be it Enacted, That when any Conveyance, Grant or Aſſignment ſhall be duly Regiſtred as aforeſaid, and after ſuch Regiſtring thereof, there ſhall be any Grant, Conveyance or Aſſignment, Declaration of Truſt, or other Deed made by Endorſement thereon, that the Regiſtring ſuch Endorſement in one of the ſaid Regiſter Books, and making a Reference therein to the ſaid former Deed on which the ſame was indorſed, ſhall be as good and effectual to all Intents and Purpoſes, as if the ſaid former Deed were again Regiſtred with the ſaid Endorſement.

And whereas it may be conceived to be ſometimes prejudicial or inconvenient, to publiſh the Uſes and Truſts to be declared of Lands, Be it Enacted, That where any Grants, Conveyances

veyances or Aſſignments ſhall be made of any ſuch Mannors, Lands, Tenements, or Hereditaments as aforeſaid, to any Uſes, Intents or Purpoſes to be expreſſed in the ſame Deed, or any other Deed to which the ſame Deed ſhall refer, that the Regiſtring of ſo much of ſuch Conveyances, Grants or Aſſignments, by which the legal Eſtate of the ſame Mannors, Lands, Tenements or Hereditaments, contained in the ſaid Deed, ſhall ſtand transferred; and certifying ſuch Regiſtring upon the ſame Deed ſo in part regiſtred, and alſo upon the other Deed to which the ſame ſo in part regiſtred ſhall be made to refer, Shall *be eſteemed a Regiſtring of the ſaid Uſes or Truſts within this Act, whereby to intitle the ſame Uſes and Truſts to ſuch Preference as aforeſaid, as fully and effectually to all Intents and Purpoſes, as if the ſame Uſes or Truſts were regiſtred at large, any thing herein contained to the contrary notwithſtanding.*

And whereas Freehold Lands in England, *are by ſeveral Acts of Parliament made liable to Executions on* Judgments, Recognizances *and* Statutes, *which being entered in ſeveral places, the Searches for the ſame are chargeable, and the finding of them difficult, to the further hazarding of the Titles of Lands: For remedy thereof Be it Enacted, That no Judgment, Recognizance or Statute, to be had or acknowledged at any time after the ſaid day of ſhall bind or charge any Lands, Tenements or Hereditaments within the Kingdom of* England, *againſt any Purchaſers or Mortgagees thereof, except ſuch Lands, Tenements or Hereditaments, as the* Defendants *in ſuch Judgments, or the* Cognizors *in ſuch Recognizances and Statutes ſhall have on the day of the Regiſtring thereof with the ſaid Regiſter in manner herein afore-mentioned; That is to ſay, that for all Judgments, the Names of the* Plaintiffs *and* Defendants *therein, the* Sums *recovered thereby, and* the Day of the Signing *thereof by the Judg, or other Officer ſigning the ſame,* Shall be Regiſtred; *and for all Recognizances and Statutes, the Names of the* Cognizors *and* Cognizees *therein, the* Sums *thereby acknowledged to be due, and the Day of the Acknowledgment thereof* Shall be Regiſtred.

And be it Enacted, That no Deviſe by Will of any Lands or Tenements within the Kingdom of England, *ſhall be allowed as good againſt any Purchaſers or Mortgagees of the ſame Lands or Tenements, unleſs ſuch Will or ſo much thereof, whereby ſuch Deviſe ſhall appear, be regiſtred in one of the ſaid Regiſter-Books, within ſix Months next after the death of the Teſtator, provided that after ſuch Regiſtring of ſuch Will or Deviſe, the ſame ſhall take Effect from the Death of the Teſtator.*

And be it Enacted, That the ſaid Regiſter for the time being, or his ſufficient Deputy in that behalf, ſhall from time to time, certify the Days of all and every the reſpective Regiſtries therein before directed, upon ſome part of the Deeds or Writings ſo to be Regiſtred as aforeſaid, by affixing the Stamp of the ſaid Office thereunto, and ſigning the ſame. Which ſaid Certificate ſhall be taken as Evidence of ſuch Regiſtries in all Courts of Record and elſewhere.

I cannot be ſo Arrogant, to dictate this Bill to the Legiſlative Power: but if what I have aſſerted be true, I hope the more Learned Gentlemen of the Law, who ſhall oppoſe this Remedy, will either provide a better, or agree to this Motto (for proclaiming the Laws of *England*) upon every Houſe in the Kingdom, *No one knows the Owner:* In which they will not be more ingenuous to their Profeſſion, than the *Athenians* were to their Religion by that Inſcription on the Altar *(to the unknown God)*.

Some

Some Objections againſt the Regiſtry-Bill *ſtated and anſwered.*

Advantages ariſing by a Regiſtry.

THIS Act provides, That any Perſons having future Conveyances, Grants, Aſſignments or Deeds, declaring Uſes or Truſts, may regiſter a Memorial of them; and that the Deeds ſo brought to be regiſtred, ſhall be ſtamp'd with the Seal of the Office, and Certificates of the Regiſtry of them ſhall be indorſed on the back-ſide of the Deeds by one of the Regiſters.

That Deeds ſo regiſtred ſhall have the preference of Deeds not regiſtred, but the Deeds not regiſtred to be as good againſt all others, as if this Act had not been made.

That general Incumbrances, as Statutes, Recognizances, and Judgments, ſhall not affect Lands againſt Purchaſers, but from the time of the Regiſtry of Dockets of them.

So that the Law is alter'd in no other Particular by this Bill, than whereas Deeds are now neceſſary to the paſſing Eſtates, there will be a benefit given by this Act to thoſe who ſhall regiſter Memorials of them.

The Advantage that will accrue to the Publick by this Regiſtry is, that any Perſon buying Lands, will know what Deeds there are upon the Eſtate he treats about, and then will not deal till he ſees them; and falſe Deeds cannot be ſhewn to him, becauſe they muſt be produced under the Seal of the Office, and the Certificate of the Regiſter.

I have met but theſe Objections againſt the Bill.

Obj. *about Diſcoveries of Eſtates.* Anſw.

Object. I. That it will diſcover all the Eſtates in *England.*

I anſwer, That nothing is to be regiſtred but the Date of the Deed, the Parties, the Parcels, the Eſtate conveyed, the Perſon's Name who brings the Deed, and the Witneſſes Names; ſo that nothing does appear by the Regiſter, but that there is a Deed upon ſuch Lands: But whether it is a Leaſe, a Sale, a Mortgage, a Settlement in Marriage, a Deed with Power of Revocation, or a Deed to raiſe private Uſes in a Man's own Family, no one can tell but the Purchaſer, who will be ſure to ſee before he deals.

This anſwers another Objection, That the Court will know the Value of our Eſtates.

Diſcoveries of Forfeitures conſider'd.

Object. II. It will make an eaſier Diſcovery of Forfeitures.

I anſwer, When any Man is attainted of Treaſon, upon Office found, the King immediately ſeizes his Lands, and there is no way for the Heir to get them from him, but by ſetting up ſome Deed of Settlement; and the Queſtion upon that Deed is always Fraud or not Fraud.

Firſt, The Regiſtry of this Deed can be no Diſadvantage, but rather gives a Sanction to it.

Secondly, This Deed need not be regiſtred, for it is good againſt the King without it, it is only void againſt a ſubſequent Deed that is regiſtred.

Thirdly, Perſons that are uneaſy under the Government, and put out their Mony, or make their Purchaſes in other Peoples Names with a Deed of Truſt between them, are not prejudiced by this Act; for ſuch Deed of Truſt need not be regiſtred, but is equally good between them two, as if it was regiſtred.

The difficulty of purchaſing anſwer'd.

Object. III. That it will make Purchaſes difficult; for upon the Regiſtry there may appear Memorials of Deeds which are loſt, and which if they were produced would ſignify nothing.

I an-

I anſwer, As they may be loſt, ſo they may be concealed, and it is fit the Purchaſer ſhould know all the Deeds that concern an Eſtate he is to give his Mony for: and in ſuch caſe where a Deed cannot be produced, the Purchaſer ought to have ſatisfaction that it does not affect his Title, either by examination of the Parties, or Witneſſes in Chancery, or elſe ought to have ſome Warranties, Covenants, or collateral Aſſurances to protect him againſt that Deed.

Truſt in Regiſters conſider'd.

Object. IV. 'Tis too great a Truſt to be put in the Regiſters, who will have the Cuſtody of all Mens Titles in their hands. I anſwer,

Firſt, It is not ſo great a Truſt as is already given to the Officers of the ſeveral Courts of *Weſtminſter*, and the *Cuſtos Rotulorum* of the County, who can inrol Deeds; and Deeds ſo inrolled are Records. Whereas the Regiſtry of a Deed in this Office gives no Sanction to it, but it ſtands upon its own bottom, whether it is good or not, the entering it here being deſigned only to give notice to the Purchaſer that there is ſuch a Deed.

Secondly, If the Regiſter ſhould make falſe Entries, or imbezel them, the Deed ſo regiſtred will be never the worſe, for it will be ſtamped with the Seal of the Office, and certified on the back-ſide of the Deed; which Stamp and Certificate are to be an Evidence of the Regiſtry of the Deed in all Courts whatſoever.

Thirdly, In ſuch caſe of imbezeling, or falſe Entries, future Purchaſers will be in no worſe condition than they are in now; but it is very unlikely that Caſe ſhould ever happen, for in many hundred Years we have not heard of any falſe Records at *Weſtminſter*, and I preſume it will be made Felony by this Act, and it is almoſt impoſſible but it muſt ſoon be diſcovered.

All Deeds to be brought to London, *conſider'd.*

Object. V. It will be very inconvenient to have the Deeds of all the Counties of *England* brought up to *London*.

I anſwer, That the Bill is brought in with a Blank, and 'tis probable will be filled up with the home Counties, or the home Circuit at moſt, and leave the Remainder to another Seſſion; and for theſe Counties 'tis much eaſier to regiſter their Deeds in *London*, than in their own Counties.

1. Moſt of their Titles are transferred in *London*.
2. Moſt of their Payments are made in *London*.
3. Searches for general Incumbrances, as Statutes, Recognizances and Judgments, are made in *London*.
4. Moſt Conveyances on Record, as Fines, Recoveries, Deeds inrolled, Bargains and Sales, are made in *London*.
5. By their conſtant Intercourſe with *London* every day by Coaches, Carriers, Market-People, and Attornies, 'tis eaſier to ſend to *London* than five miles in the Country.
6. Records have been always kept more negligently in the Country than in *London*.
7. Where there hath been election of doing buſineſs in *London*, or in the Country, the former hath been choſen, and the latter rejected: How few Deeds of Bargain and Sale are inrolled in the Counties where the Lands lie, in reſpect of thoſe in *London*? and how few Actions are brought in inferior Courts, in reſpect of thoſe in the Courts at *Weſtminſter*? and one Argument in Fact is worth a hundred in Reaſon.
8. Every Office in the Country will be the ſame Charge to the People as one for many Counties, for every Office muſt be ſufficient to maintain Men of Skill and Reputation, and the ſame Encouragement will ſerve for Officers for ſeveral Counties; ſo that if there is but one Office, the Fees need not be ſo large as if they were many.

Object. VI. It will be a great Charge to the People.

The Charge to the People, conſider'd.

I anſwer, So it is for Clients to employ Lawyers to peruſe their Titles, draw their Conveyances, and defend their Cauſes, and yet Men think it their Intereſt to do it. Now it may be ſaid without Offence, as the Law now ſtands, that the Advice of all the Lawyers, and the Force of all the Conveyances of *England* cannot add ſo great an Aſſurance to Titles of Lands as this ſingle Point of a Regiſtry: and after all, this Charge need not be much greater than a Conveyancer's Clerk will expect for writing over one Skin of Parchment; and in all probability in a few Years it will contract the Charge and Trouble of Conveyancing four Parts in five.

To conclude, If a Regiſtry be inconvenient, why are not all the Regiſtries in *England* taken away, as Judgments, Recognizances, Statutes, Deeds enrolled, Wills, Cuſtomary and Copy-hold Eſtates? if they are convenient, why may not this be eſtabliſh'd?

If this prove inconvenient, it may be ſoon retrieved; if convenient, it may be ſoon enlarged.

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The Importance of Publick Credit.

THOSE that cannot be ſubdu'd by open Force, may be undermin'd by Art. Our Enemies are ſenſible of this; and having long try'd the firſt in vain, are making their laſt Efforts by the other: they well know that the *Engliſh*, while unanimous and prudent, are invincible; and that all the Misfortunes which are found in Hiſtory to have happen'd to them, from the firſt entry of the *Romans* to this day, were occaſion'd chiefly by their own Diviſions, the only way by which they have, and may be again overcome and ruin'd.

Deſign of ruining the Publick Credit.

At preſent we ſhall not take notice of any other of their Deſigns, than that they have form'd for Deſtruction of the Publick Credit, at a time when a neighbouring Prince, their ſure Friend, and our no leſs certain Enemy, is amaſſing ſuch vaſt Treaſures. They well know that we have been chiefly ſupply'd by ſuch as are well affected to the Revolution; theſe are the Men they deſire ſhould ſuffer for furniſhing Supplies their Party has ſunk under; and if they could once give them and others juſt cauſe to forbear future Loans, when there may be occaſion for them, they would have no cauſe to deſpair one day of retrieving their loſt Cauſe.

In order to this the Publick Credit muſt be repreſented as of the utmoſt Diſadvantage to the Nation, a Clog and Burden for the time paſt, and full of future danger if continu'd. They lament the great Sums rais'd every Year to pay Intereſt, Annuities, *&c.* they think the Purchaſers of Funds have had too good Bargains; that Deficiencies need not be made good tho promis'd by Parliament; and that the Publick ought to be eas'd, by leſſening the Advantages thoſe that have ſupply'd it think themſelves intitul'd to. Pretence of Friendſhip is often a cover to the moſt treacherous Deſigns; and the generality being more inclin'd to ſwallow, than weigh Propoſals of Advantage to them, it is no wonder if they have prevail'd on ſome Perſons to think well of their Deſigns, who are not aware of the Conſequence.

Stock-jobbers rich.

Some Gentlemen who have ſuffer'd much under the great and neceſſary Charge of the War, are without difficulty prevail'd upon to be angry, eſpecially when they ſee an overgrown Stock-jobber's Eſtate ſwell'd to ſuch a Bulk in ſo ſmall a time, by dealing in the Funds. From Envy to Ill-will is an eaſy ſtep, which being once taken, all Arguments ſeem of weight that ſide with our Paſſions: How eaſy is it to convince ſuch a one that publick Credit is of the laſt ill Conſequence, that it makes a Nation prodigal, Stock-jobbers only fat, and Gentlemen lean; and (as ſome have ventur'd to ſpeak out plainly) that it ought to be deſtroy'd, that we may never be truſted again? tho others more modeſt or cautious, will not ſpeak ſo plain, leſt adviſing a publick Knavery, ſhould diſcover too much of their private Honeſty. Theſe would have it only a by ſide Wind, by the help of Clauſes, Explanations, and ſuch like Arts; which differs from the former, only as picking of Pockets does from Robbery. It is to be hop'd no Gentlemen will be found of this number, who on another occaſion have ſhew'd their great Zeal, that the Juſtice of *Weſtminſter-Hall* (as they were pleas'd to call the Common Forms) ſhould take place of the Legiſlative Right, and Publick Good.

It were to be wiſh'd that Arguments founded on Juſtice and Honour were allow'd their due Weight, and that we were fully convinc'd that whatever Ill a Man conſents to in conſort, is full as criminal as if it were his ſingle Act; there would then be no need of recourſe to any other in this Caſe. But ſince the Temper of the Age is ſuch, that one Argument drawn from Intereſt, outweighs forty others; theſe Gentlemen will do well to conſider, whether the deſtruction, or impairing of the Publick Credit (beſides the Infamy of the fact) would not have the following Conſequences.

Would it not reflect very much on thoſe who have eſtabliſh'd the Funds, and allow'd the Intereſt, and other Advantages on them, as guilty of the greateſt Imprudence and Prodigality, deſtroying thereby that Reſpect which the Publick Good requires every Man ſhould bear them? For on Conduct, ſteddy as a Rock, all wiſe Men will build; but on Folly, Unſteddineſs, and Incertainty, none in their Senſes will rely.

Whether it be not poſſible ſuch an Emergency may happen, that without Credit enough to raiſe a great Sum on the ſudden, all may be in danger? And whether the Conſequences on that ſide will not be infinitely worſe than on the other?

Danger of violating the Publick Credit.

And whenever there happens any preſſing Occaſion to ſupply the Publick, if any Credit can be found, muſt we not pay much dearer for future Supplies? Will any Man lend his Mony to thoſe that have it in their Power to leſſen, or wholly reaſſume the Security once given, eſpecially when he knows it to have been their former Practice? If ſuch Men could be found, it muſt be on Terms much more diſadvantageous then any that have been yet given; for where People have ſuch reaſon to be ſenſible of their Danger, they muſt be tempted with extraordinary Premium and Intereſt. Thus ſhall we pay dear for what theſe Projectors would now ſave. After ſuch an Action all Perſons would avoid dealing with the Publick, as they would with a Bankrupt: Proviſions, Stores, Tranſports, *&c.* muſt be wanting, or procur'd on extravagant Terms. Should it be thought fit to erect new Funds, who would deal for them? Should there be any forfeited Lands to be ſold, who would purchaſe of ſuch as could reaſſume all, leſſen old, or make new Bargains at their Pleaſure, and whoſe Wills could by Precedent be prov'd to be as large as their Power? Suppoſe after ſuch an Action they ſhould propoſe to ſell at eight Years Purchaſe, who would meddle with them? For may not ſuch Purchaſers be hereafter told, that their Bargain was too good, the Lands were worth eighteen, and they muſt make up that Sum? In this Article alone (not to mention many other future Contingences) more might be loſt than theſe Projectors can now propoſe to ſave.

Great Eſtates got by Dealers in Funds.

As to the great Eſtates gotten of late by ſome Dealers in the Funds, if it be conſider'd that they have run the hazard of loſing all, even their Principal, by the uncertain Event of War, what Reaſon is there to grudg them an Advantage ſcarce proportion'd to their Danger? And ſince all Men had the ſame Liberty of gaining by them, no Man can have any reaſonable ground for Envy or Ill-will, for it is entirely owing to his own Misfortune, or Folly, that he did not make the like Advantage: And he muſt be very dull who has not remark'd, that ſince the Publick Funds have had a Jog (not yet forgotten) Stock-jobbers have got double what they did before; a plain Proof that thoſe whom Envy tranſports to ſuch a Revenge, would but thereby increaſe the Profit of ſuch Perſons, and the Publick Loſs.

On this occaſion ſome Perſons cannot be forgot, who at the beginning of this Revolution ſcatter'd their Politicks freely in all places: few People forget their Maxims, That Taxes ought to be laid ſo, as being leaſt eaſy to the People, they might be bore with ſome difficulty; that other Methods would, as it were, uſe the People to an eaſy Yoke, a Courſe they thought might in time prove of dangerous Conſequence to the Publick: Exciſes, and ſuch other Methods as ſome thought might have rais'd the neceſſary Supplies within the ſeveral Years, and have prevented the great Gains of Stock-jobbers, were then thought by them of the utmoſt danger; and many of the beſt Men amongſt us, who propos'd them, were branded as Publick Enemies, that deſign'd the betraying of their Country to arbitrary Power, and Slavery. All Places and Companies were fill'd with their Declamations on this Head. Their Intentions were not then ſuſpected to be what Time has ſhew'd them, therefore all this was attributed to their Zeal for the Publick; and tho the Thred of their Politicks ſeem'd ſo wonderfully fine, that few could diſcern it but themſelves, they wanted not Followers who admir'd for profound what was not intelligible, and were willing to appear of a Party that ſeem'd to have a clearer proſpect of future Events than their Neighbours. What fatal Influence this ſort of Politicks has had on Affairs, there is little Pleaſure in recollecting; but certainly it is ſufficient to convince the World that exceſs of Prudence, and Folly, are near Neighbours.

Pretence of Publick Zeal.

Pretended Friends agree with our Enemies.

If theſe Gentlemen then ſhould be found among the moſt violent Complainers of what they themſelves have chiefly occaſion'd, let the World judg with what Reaſon; the World which has ſufficiently obſerv'd the extraordinary ſimpathy that has been, and ſtill continues between them and the profeſt Enemies of this Revolution. Did

our Enemies wiſh Taxes might be rais'd with difficulty? ſo did they. Will any one doubt that our Enemies wiſh the Deſtruction of Credit? ſo do theſe our pretended Friends. Our Enemies it ſeems are come about to our Intereſts, or theſe our Friends have out-witted them, things equally credible; but the truth is, to diſtinguiſh between ſuch Friends and Enemies, is a diſtinction without a difference.

The Conſequence of Publick Credit has been ſo well underſtood in all well-govern'd Nations, that to break it has ever been eſteem'd rooting up the very Foundations of a State. With the *Greeks* and *Romans*, what was more ſacred and inviolable? And tho in thoſe Ages the Publick Faith did not ſo frequently concern pecuniary Payments, yet doth not that make any difference as to the Conſequence. Among Modern Princes and States, even with the moſt Arbitrary, what is more inviolable than Publick Funds? Two ſuch Princes in Chriſtendom paying away every Year a great part of their Revenue on that account, and moſt of it for Sums borrow'd by their Anceſtors. It is well known that great Loans have been formerly made to the See of *Rome*, by which the Pope's Revenue is much incumbred, and pays every Year vaſt Sums for Intereſt of Mony borrow'd by his Predeceſſors; and tho this does, and has for many Years paſt much exhauſted the Apoſtolick Chamber, and be ſo heavy an Incumbrance on the See of *Rome*, yet no Pope (who in other things claims power to diſpenſe with the Laws of God and Man) would ever attempt a thing ſo barbarous, impolitick, and without Precedent in any wiſe State, as to break the Publick Faith: not one of them would ever attempt ſo much as to reduce the Intereſt but by conſent of the Creditors; in order to which one Pope having provided a great Sum of Mony, caus'd notice to be given that thoſe who would not accept a leſs Intereſt ſhould take their Principal, which few would do when they found their Security ſo good.

The Apoſtolick Chamber at Rome *much incumbred.*

The Apoſtolick Chamber, and Bank of *Amſterdam*, have Mony cheaper than others can have on private Security; which plainly ſhews, that the trueſt, as well as the moſt honeſt way of ſupplying the Publick at a cheaper rate, and thereby leſſening the Taxes, is, not by the little tricking Arts of theſe infamous Projectors, but by punctual and ſteddy dealing.

It were eaſy to ſhew out of Hiſtory in many Inſtances, what ill Effects the breach of Publick Faith has produc'd. *Henry* the Third of *France* having call'd an Aſſembly of the States General at *Blois*, on Security of the Publick Faith prevail'd with the Duke of *Guiſe*, and his Adherents, to put themſelves into his power. His own Weakneſs, or the ill Advice of ſome about him, made him think it his Intereſt to break thro an Obligation ſo ſacred; and by the Death of the Duke, and others of his Party, to ſave as he thought much Treaſure and Blood, and become ſafe and eaſy on his Throne. But he ſoon had cauſe to repent of his Folly, for after that Action no Man would ever truſt him, he never had a quiet Moment, ſhort and turbulent was the reſt of his Reign, and his End tragical. The Inſtance of his Contemporary *Philip* the Second of *Spain* may come nearer our caſe. In his Wars of *Flanders* he had been often ſupply'd with Mony by the Merchants of *Antwerp*, to the great Advantage of his Affairs; but a piece of ſuch good Husbandry as we are adviſ'd, came into his Head: Thoſe Tally-jobbing Merchants of *Antwerp* he thought had got too much by lending him Mony, therefore his profound Wiſdom thought it convenient to break his Faith with them, in moderating their Gains (as the Hiſtorian words it) by which he ſeem'd perhaps to have ſav'd forty or fifty thouſand Pounds. But what follow'd? In the next Line we are told, that neither they, nor any other, would truſt him any more, which in a few days was the occaſion of his loſing the then great City of *Amiens*, and after of infinite Deſertions and Mutinies of his Armies for want of Pay, by which his Affairs were wonderfully retarded, and thoſe of his Enemies much advanc'd. And in ſhort, this ungenerous and impolitick Action contributed not a little to his Loſs of many Provinces, as by the ſequel of that Story plainly appears.

Philip *the II. of* Spain *breaks his Faith to the Merchants at* Antwerp, *and the Conſequences thereof.*

Our Enemies wiſh for nothing more than to have ſuch influence on Publick Counſels, as to render them violent and tumultuous, unſteddy, vain, and precarious; they know that in ſuch caſe moſt Men would endeavour to avoid Quick-ſands, and that like drowning Men we might be prevail'd on at laſt to catch hold of their Bulruſh.

Nothing can equal their paſt Follies, but their preſent Hopes that *England* (now ſecure from every danger but our own Indiſcretion) can be brought by their Methods to give up its Liberties that are ſo well ſecur'd, and all the Honour gain'd in ſuch a long and chargeable a War; in which we doubt not but they will be as much diſappointed for the future, as they have been for the time paſt.

Th

The Report *of the Commissioners appointed by Parliament to enquire into the* Irish Forfeitures, *delivered to the Honourable House of Commons the* 15th *of* December 1699.

With their Resolutions and Addresses to his Majesty relating to those Forfeitures.

As also his Majesty's Gracious Answers thereunto; and his most Gracious Speech to both Houses of Parliament the 5th *of* January 1690.

May it please Your Honours,

1. ACcording to the Powers given us by a late Act of Parliament, made in the Tenth and Eleventh Years of his Majesty's Reign, intituled, *An Act for granting to his Majesty the Sum of One million four hundred eighty four thousand and fifteen Pounds one Shilling eleven Pence three Farthings, for Disbanding the Army, Providing for the Navy, and for other necessary Occasions*; We have enquired into, and taken an Account of the Forfeited Estates in *Ireland*, and do humbly lay before Your Honours this our following Report, as the Result of our Proceedings.

2. But, first, we must humbly crave Leave to represent to your Honours the many Difficulties we have met with, which we fear may render our Enquiry less Satisfactory than otherwise it might have been. *Difficulties they met with.*

3. It is usual for the general Governours of this Kingdom, when they are removed from their Employments, to carry away the Books and Papers relating to their Proceedings during their Government, which we apprehend may have been some hinderance to our Enquiry.

4. Soon after the Battel of the *Boyne*, Commissioners of Forfeitures were appointed under the Great Seal of *Ireland*, who substituted Commissioners in the several Counties of this Kingdom, then in his Majesty's Possession: These Sub-Commissioners acted very vigorously, and made Returns of great Quantities of Goods forfeited, but several of these Books we were not able to get, which was a great Disadvantage to our Proceedings; these Returns having been made whilst the Mischiefs were fresh, and the Resentments high between Protestant and Papist, and consequently with less Favour than hath been since shown. *Goods forfeited conceal'd.*

5. Many Commissions for taking Inquisitions, have issued both from the *Chancery* and *Exchequer* that are not sped; and many others have been imperfectly taken, and worse drawn up; and some have never been return'd, nor so much as the Records made up by the Escheator.

6. Great Quantities of Lands found in the Inquisitions, have not been put in Charge to his Majesty, nor appear in the Rent-Rolls; and many Denominations appear in the Rent-Rolls, of which no Inquisitions were taken; and a great many other Parcels of Lands are mention'd in the Grants, which are neither found in the Inquisitions or Rent-Rolls, and some in the Sub-Commissioners Returns, that *Lands conceal'd.*

are

are found no where elſe; and there may be many more of which we can trace no Footſteps.

7. As we cannot complain to your Honours of any direct Diſobedience to our Authority, ſo we muſt take notice, that we had from few Offices that Diſpatch which was neceſſary to the Work we had the Honour to be employ'd in; but whether this proceeded from any unwillingneſs to obey us, the multitude of other Buſineſs, or the irregular Methods of keeping their Books, we do not affirm.

Books of the Commiſſioners of the Revenue ill kept.

8. Particularly the Books of the Commiſſioners of the Revenue relating to the Forfeitures, are ſo ill and confuſedly kept, as much delay'd us in our proceedings; but this we do not attribute ſo much to the Commiſſioners of the Revenue, as to the ſhifting this Enquiry from one Commiſſion to another, which has been done five times ſince the Battel of the *Boyne*; ſo that no Commiſſioners, if they were diſpoſed to it, have been able to take any ſteddy view of the Forfeitures, and digeſt them into method.

Great miſmanagement in the Forfeitures.

9. By this means we have been forced to examine ſuch Bundles of Records and Volumes of other Papers as have taken up much of that time, which might otherwiſe have been employ'd in the Examination of the Values, and enquiring into the Miſmanagement of the Forfeitures, which appear to us very great; tho by the diſtance of time, the Agreement of Parties concern'd, the Death of ſome and Departure of others out of the Kingdom, moſt of the Tracks are worn out, ſo that we found it very difficult, and in many Caſes impoſſible, to come at a true Information.

Unwillingneſs to give Information.

10. Beſides this, there appeared to us a very great backwardneſs in the People of this Kingdom to give any Information, which in our humble Opinion does not proceed from any diſlike to the Buſineſs of our Commiſſion, or diſobedience to the Authority that ſent us, but from the fear of the Grantees, and the Perſons in Power, whoſe Diſpleaſure in this Kingdom is not eaſily born. Beſides, Reports ſeem'd to us to have been induſtriouſly ſpread abroad, and generally believ'd, That our Enquiry would come to nothing, and was only the Effect of a ſudden Reſolution, which hindred many Perſons from making conſiderable Diſcoveries: But we humbly conceive, if ſuch Fears were removed, the Forfeitures would appear much greater.

The Buſineſs very great.

11. Added to all theſe Difficulties, our Buſineſs it ſelf was ſo very Voluminous, and conſiſted of ſo many Parts, that an exact Scrutiny into all the Particulars could not have been made, in a much longer time than we were confined to. But ſuch an Account as under theſe Diſadvantages we were able to acquire, we do with all humility lay before your Honours.

Number of Outlaw'd Perſons in England *and* Ireland.

12. The Perſons Out-lawed in *England* ſince the 13*th* of *February* 1688. on account of the late Rebellion here, amount in number to 57, and in *Ireland* to 3921. all which, with their Additions and Counties in which they were Out-lawed, appear in a Book delivered in with this Report, *Number* 1.

13. The Eſtates that the ſaid Perſons, or any of them were poſſeſſed of or intereſted in, either in Law or Equity, ſince the 13*th* day of *February* 1688. that came to our knowledg; together with the Proprietors Names, the number of Acres, the County and Barony in which they lie, the Value of them *per Annum*, and the total Value, appear in a Book delivered in with this Report, *Number* 2.

14. But the groſs Number of all the Acres belonging to forfeiting Perſons in each County, the yearly and total Value, eſteeming a Life at 6 Years Purchaſe, and an Inheritance at 13 Years, which we apprehend to be at this time the Value of the Lands of this Kingdom, appear to us to be as follows: *Viz.*

Acres

	Acres Profitable. A.	R.	Value *per an.* l.	s.	d.	Total Value. l.	s.	d.
In the County of *Dublin*	34546	0	16061	6	0	208796	18	0
In the County of *Meath*	92452	1	31546	4	6	110100	18	6
In the County of *Wt. Meath*	58083	1	14633	12	6	90237	2	6
In the County of *Kildare*	44281	1	16551	18	6	215175	0	6
In the County of *Catherlogh*	26303	0	7913	11	6	95872	2	0
In the County of *Wicklow*	18164	0	2719	3	0	35348	19	0
In the County of *Wexford*	55882	2	7551	10	6	98169	16	6
In *Queens* County	22657	0	5002	8	9	65031	13	9
In *Kings* County	30459	3	6870	18	0	89321	14	0
In the County of *Kilkenny*	30152	2	5243	3	6	68161	5	6
In the County of *Longford*	2067	2	348	9	9	4530	6	9
In the County of *Louth* and Town of *Drogheda*	22508	0	6331	11	0	82310	3	0
In the County of *Cork*	244320	0	32133	12	6	417737	2	6
In the County of *Kerry*	90116	0	3652	11	9	47483	12	9
In the County of *Clare*	72246	0	12060	17	0	156791	1	0
In the County of *Waterford*	21343	0	4190	10	0	54476	10	0
In the County of *Lymerick*	14882	3	4728	10	0	61470	10	0
In the County of *Tipperary*	31960	3	8888	12	6	115552	2	6
In the County of *Galway*	60825	0	10225	4	0	83528	18	0
In the County of *Roscomon*	28933	0	5808	15	0	69767	2	0
In the County of *Mayo*	19294	0	3186	5	0	37598	3	0
In the County of *Sligo*	5562	2	998	17	6	12985	7	6
In the County of *Antrim*	10103	3	1944	18	6	25284	0	6
In the County of *Down*	9079	0	1016	6	6	13212	4	6
In the County of *Ardmagh*	4962	0	588	0	0	7644	0	0
In the County of *Cavan*	3830	1	478	12	6	6222	2	6
In the County of *Monoghan*	3832	0	558	16	0	7264	8	0
In the County of *Fermanagh*	1945	0	389	0	0	5057	0	0

Valuation of the forfeited Lands in Ireland.

All the Lands in the ſeveral Counties aforeſaid, as far as we can reckon by Acres, being added together, make 1060792 Acres, worth *per Annum* 211623 *l.* 6 *s.* 3 *d.* Value total 2685130 *l.* beſides the ſeveral Denominations in the ſaid ſeveral Counties, to which no number of Acres can be added, by reaſon of the Imperfection of the Surveys not here valued; which we humbly repreſent to your Honours as the groſs Value of all the Lands forfeited in *Ireland*, ſince the 13*th* day of *February* 1688. *The Total of Lands and Valuation.*

15. Next we think it our Duty to acquaint your Honours, what Proportions of theſe Lands have been reſtored to the old Proprietors, by virtue of the Articles of *Lymerick* and *Galway*, and by his Majeſty's Favour.

16. Three Letters, One from her late Majeſty Queen *Mary*, of ever bleſſed Memory, dated the 15*th* day of *March* 169½. to the Right Honourable the Lord *Sidney*, Sir *Charles Porter* Kt. and *Thomas Conningsby* Eſq; then Lords Juſtices and Chief Governors of this Kingdom; One other Letter from her ſaid late Majeſty, dated the 6*th* day of *May* 1693. to the ſaid Lord Viſcount *Sidney*, then Lord Lieutenant and General Governor of this Kingdom, and to the Privy Council there for the time being; and One other Letter from his Majeſty, dated *April* 24. 1694. to the Right Honourable *Henry* Lord *Capel*, Sir *Cyrill Wich* Kt. and *William Duncombe* Eſq; then Lords Juſtices of this Kingdom, and to the Privy Council there for the time being; were ſeverally ſent to them, impowering them to hear and determine the Claims of all Perſons, pretending to be within the Articles of *Lymerick* and *Galway*; and in purſuance of the ſaid Letters, 491 Perſons were adjudged within the Articles aforeſaid, the Names of which Perſons, with their Additions, and the time of their Adjudications, appear in a Book delivered in with this Report, *Numb.* 3. *Lands reſtor'd by the Articles of* Lymerick. 491 *Perſons within the ſaid Articles.*

17. Afterwards a Commiſſion dated *Feb.* 25. in the 8*th* Year of his Majeſty's Reign, paſſed under the Great Seal of *Ireland*, impowering the Judges of the ſeveral Courts here, or any Five of them, to hear and determine the Claims aforeſaid; and in purſuance of that Commiſſion 792 Perſons were adjudged within the Articles aforeſaid; the Names of which Perſons, with their Additions, and the Times of their Adjudications, appear in a Book, delivered in with this Report, *Numb.* 4. 792 *Perſons more within the ſaid Articles.*

18. The Eſtates that the Perſons have been reſtored to, by virtue of their Adjudications, contain 233106 Acres of Land, amounting in the yearly Value to 55763 *l.* 6 *s.* 6 *d.* Value total 724923 *l.* 4 *s.* 6 *d.* The particular Number of Acres belong-

Valuation of Lands reſtor'd.

belonging to Perſons adjudged, the County and Barony in which they lie, with the yearly Value, and what the whole Intereſt is worth, appear in the Book, *Numb.* 2.

19. And here we preſume not to judg, whether the ſaid Letters from his Majeſty or the late Queen, to the Lords Juſtices and Council, or the Commiſſion under the Great Seal to the Judges, did give them any legal Authority to ſummon the Subjects from all Parts of the Kingdom, give Oaths, adjudg without Jury, and levy Mony under the Name of Fees; we finding no Act of Parliament to warrant the ſame. We humbly ſubmit it to your great Wiſdom.

Exorbitant Fees demanded.

20. Further, we think it neceſſary to inform your Honours, that the Fees in the ſaid Courts were ſo extravagant, that Mr. *Palmer*, who acted as Regiſter in the Right of Mr. *Poultney*, and divided the Profits with him, demanded of Mr. *Luke Dillon* for the Fees for his Father's Adjudication, Eighty ſix Pounds, and Mr. *Steel* Cryer of the ſaid Court, Fifteen Pounds more: Nor could Mr. *Dillon* get out the Order to reverſe his Father's Outlawry, till he paid Fifty two Pounds in ready Mony to Mr. *Palmer*, and gave him his Bond for Fourteen Pounds more, and had paid Mr. *Steel* Five Pounds, beſides Ten Pounds which he paid Mr. *Palmer* before for Orders, the Cauſe being continued in the Court near two Years. Nor was this a ſingle Caſe, for many more have paid great Sums of Mony upon the like account, the Charge only of Entring a Claim before we acted in our Commiſſion, being near Five Pounds, tho by expreſs Words of the Articles of *Lymerick*, no Perſon ought to pay any Fees but to writing Clerks only.

Court of Claims cried out againſt.

21. We may add to this, that the Proceedings of the laſt Court of Claims are almoſt univerſally complain'd of, and we fear with too much reaſon, ſome Perſons having been adjudged without poſting of their Claims, others within a day or two after, before the King's Council or Witneſſes could be ready, which was contrary to the Rules of the Court it ſelf, that requir'd fourteen Days between the Poſting of every Claim and the Adjudication. It was alſo obſervable, that if any Perſon would diſclaim his Eſtate, he met with very little difficulty in being adjudged, tho afterwards there could be no obſtacle to the reverſing his Outlawry, and conſequently to be reſtored to his Eſtate. In general, it ſeems to us there have been great Miſcarriages in the ſaid Court, and that in many Caſes the Articles of *Lymerick* and *Gallway* have been expounded too beneficially in favour of Perſons Outlawed, and often on the Oath of one Witneſs, who we humbly conceive cannot be convicted for Perjury either by Common or Statute Law: By this means we apprehend, a great many Perſons have been adjudged and reſtored to their Eſtates, that upon review would be found to belong to his Majeſty. To come to a more particular knowledg of which, we ſent Mr. *Palmer* for the Minutes of the Adjudications, but he having taken them in Short-hand only, and never ſince tranſcribed them, we could not get ſuch an Account as was fit to lay before your Honours. We ſhall only take notice of one thing on this occaſion, that ſeems to us very extraordinary, That more Perſons were adjudged within Articles ſince the commencement of our Enquiry, than had been ſince the making the ſaid Articles.

22. Next, we are to acquaint your Honours what Eſtates have been reſtor'd to the old Proprietors, by Reverſal of Outlawries, or his Majeſty's Pardon.

23. The Reverſals are of two ſorts, ſuch as have been in purſuance of Adjudications, all mark'd in *Numb.* 3 and 4. in diſtinct Columns for that purpoſe: The Eſtates reſtor'd by the ſaid Reverſals, are already computed under the Conſideration of Perſons adjudged.

24. The other ſort are ſuch as have been reverſed by his Majeſty, or the late Queen's Letters, or Orders to the Lords Juſtices, which with all Pardons, and the Conſiderations inducing the ſame, paſt ſince the Defeat at the *Boyne*, amounting to Sixty five, appear in a Book delivered in with this Report, *Number* 5. The

Number of Acres of reſtor'd Eſtates, and their Valuation.

Eſtates reſtored to the ſeveral Perſons pardoned, or that have reverſed their Outlawries by his Majeſty's Favour, containing 74733 Acres, worth *per Ann.* 20066 *l.* 8 *s.* 3 *d.* Value Total 260863 *l.* 7 *s.* 3 *d.* The particulars thereof, what Eſtates belong to ſuch Perſons, in what County and Barony they lie, what is the Yearly and total Value, appear in the Book, *Numb.* 2.

25. And here we think it proper to take notice to your Honours, That as well by the General Report of the Country, as by ſeveral Obſervations of our own, it appears probable to us, that many of the Perſons aforeſaid have obtain'd his Majeſty's Favour by Gratifications to ſuch Perſons as have abuſed his Majeſty's Royal Compaſſion. But when we touch'd on this Subject, we found Difficulties too great to be overcome; moſt of theſe Matters being tranſacted in private, and with

Perſons

Perſons out of this Kingdom: However, we ſhall lay before your Honours ſome Inſtances, where it appears to us that Mony has been given to reſtore Perſons forfeiting to their Eſtates.

26. The Right Honourable the Lord *Bellew* releaſed a Statute-Staple of 1000 *l.* Principal Mony, and ſeven or 800 Pounds Intereſt, to the Lord *Raby* (which was due from Sir *William Wentworth* Father to the preſent Lord *Raby*, to the Lord *Duleek*, Father to the preſent Lord *Bellew*) in conſideration that he would uſe his Intereſt with his Majeſty to procure his Pardon, which he did accordingly, and his Pardon ſoon after paſs'd: He alſo releaſed to the Lord *Rumney* all the Profits of his Eſtate, which his Lordſhip had enjoy'd near three Years, amounting to about as many Thouſand Pounds, in conſideration his Lordſhip would not give him any Moleſtation in paſſing his Pardon. *Gratifications given by the Lord* Bellew.

27. *John Kerdiff*, of *Kerdiff* Town in the County of *Dublin*, Gent. gave to Mrs. *Margaret Uniack* 200 *l.* or thereabouts, to make uſe of her Intereſt with the Lord *Rumney* to obtain his Majeſty's Letter to have his Outlawry Reverſed; which was accordingly done, tho the particular Caſe of this Man, as appeared to us, deſerv'd Compaſſion. *By* Mr. Kerdiff.

28. Sir *John Morris* paid to Mr. *Richard Uniack* 500 *l.* whereof 300 *l.* was paid to Mrs. *Margaret Uniack*, for her Intereſt in the Lord *Rumney* to procure his Pardon, which was accordingly done. *By Sir* John Morris.

29. *Harvey Morris* Eſq; gave 100 *l.* to Mrs. *Margaret Uniack* to obtain his Majeſty's Pardon, which was accordingly done.

30. *John Huſſey* of *Leſlip* Eſq; upon his being informed by Mr. *Bray* and Mr. *Roſcoe*, Agents to the Lord *Athlone*, That he could not get his Outlawry reverſed, without giving a General Releaſe of all Demands to the Lord *Athlone*, which he did, whereby a Mortgage of 300 *l.* which he had on the Lord *Limerick*'s Eſtate, then in Grant to the Lord *Athlone*, was releaſed, who appears not to us to have known of the ſaid Mortgage, or had any benefit thereby. *By Mr.* Huſſey.

31. *Edmund Roch* Gent. gave to Mr. *Richard Darling* Agent to the Lord *Rumney* 500 *l.* for his Intereſt in procuring his Pardon, which by the Means of the Lord *Rumney* was obtain'd, as we believe: But the ſaid *Roch* was Outlawed on the Statute of Foreign Treaſons, tho never out of the Kingdom. *By Mr.* Roch.

32. *John Bourk* Eſq; commonly call'd Lord *Bophin*, agreed to pay 7500 *l.* to Mr. *Andrew Card* for the uſe of the Lord *Albemarle*, in conſideration he would procure his Majeſty's Letter to have him reſtored to his Eſtate and Blood: 3000 *l.* of the ſaid Sum was to be paid when he was reſtored to his Eſtate, and the Reſidue ſometime after. In purſuance of the ſaid Agreement, a Letter was ſent to the Lords Juſtices to be communicated to the Commiſſioners of the Court of Claims in favour of the Lord *Bophin*, in order to have him adjudged within the Articles of *Galway*; but nothing being done thereon, it was agreed, That a Bill ſhould be tranſmitted into *England*, in order to paſs into a Law in *Ireland*, to reſtore the Lord *Bophin* to his Eſtate and Blood: the Conſideration ſuggeſted in the Bill was, to educate his Children in the Proteſtant Religion, and to ſet his Eſtate to Proteſtants. It was further provided in the ſaid Bill, That 9000 *l.* ſhould be raiſed upon the ſaid Eſtate for payment of Debts, and a certain part of the ſaid Eſtate appropriated for the Maintenance and Proviſion for the Children; but in reality, 7500 *l.* of the ſaid Mony was to be paid to the Earl of *Albemarle*, and the Remainder, as we believe, to the other Perſons concerned in negotiating the ſaid Agreement. This Bill was brought into the Houſe of Commons of *Ireland*, but the Agreement taking wind, and the Houſe reſenting that their Authority ſhould be made uſe of to ſupport ſuch a Clandeſtine Bargain, and finding ſeveral Allegations in the Bill falſe, they rejected it. Afterwards a new Agreement was made, *viz.* That there ſhould be a Grant to the Lord *Roſs* in Truſt, That the Mony to be advanced for procuring the ſaid Grant, ſhould be firſt raiſed out of the Eſtate; and next, That the Profits ſhould be applied to the payment of Debts, and after to the Uſe of the Family of *Clanrickard*. In purſuance of the Agreements aforeſaid, a Letter was procured from his Majeſty, and 3000 *l.* paid to *Thomas Broderick* Eſq; for the Benefit of the Lord *Albemarle*. *By Lord* Bophin.

33. Having now laid before your Honours an Account of all the Eſtates belonging to Perſons Outlawed ſince the 13*th* day of *February* 1688. and alſo what Eſtates have ſince been reſtored by Articles, and what by his Majeſty's Favour, we will proceed to acquaint your Honours what Grants have been made, and alſo what *Cuſtodiams* are yet in being of any of the ſaid Eſtates, and to whom.

76 Grants and Custodiams passed in Ireland. 34. There have passed since the Battel of the *Boyne*, under the Great Seal of *Ireland*, Seventy six Grants and *Custodiams* now in being; a Book whereof, with the Dates of the Letters Patents, and Considerations, we have delivered in with this Report, *Numb.* 6. Some of the most considerable Grants we here particularly lay before your Honours, with the Number of Acres and Considerations.

To the Ld Rumney. 35. To the Right Honourable the Lord *Rumney* three Grants now in being, containing 49517 Acres; the Consideration, Services done.

To the Earl of Albemarle. 36. To the Right Honourable the Earl of *Albemarle*, two Grants now in being, containing 108633 Acres, in Possession and Reversion; Consideration, Services done.

To Lord Woodstock. 37. To *William Bentink* Esq; commonly called Lord *Woodstock*, 135820 Acres of Land, no particular Consideration mentioned in the Grant.

To the Earl of Athlone. 38. To the Right Honourable the Earl of *Athlone* two Grants, containing 26480 Acres; Consideration, Services done in the Reduction of *Ireland*; which Grants are since confirmed by an Act of the Parliament of *Ireland*.

To the Earl of Gallway. 39. To the Right Honourable the Earl of *Gallway* one Grant, containing 36148 Acres; Consideration, many good and faithful Services by him performed.

To the E. of Rochford. 40. To the Right Honourable the Earl of *Rochford* two Grants, containing 39871 Acres; Consideration, Services done.

To Marq. Puizar. 41. To the Marquis of *Puizar* two Grants, containing 30512 Acres; Consideration, Services done.

To the Lord Coningsby. 42. To the Right Honourable the Lord *Coningsby* 5966 Acres, with several Chiefries, Tythes, and many Houses in the City of *Dublin*, with 1000 *l.* Mortgage; Consideration, Services done.

To the Lord Mountjoy. 43. To the Right Honourable the Lord *Mountjoy* 11070 Acres, for 21 Years, in Consideration of his Services in the War of *Ireland*, the Losses he suffered in his Estate, the imprisonment of his Father in the *Bastile*, and his being kill'd in the Battel of *Steynkirk*.

To Mr. Keightley. 44. To the Honourable *Thomas Keightley* Esq; two Grants, containing 12381 Acres for 99 Years, as a Portion for his Daughter Mrs. *Katherine Keightley*, who was dependant on her late Majesty Queen *Mary* of ever blessed Memory; and in Consideration of a Pension of four hundred *l. per Annum*, and his Losses by the War.

To Col. Hamilton. 45. To Colonel *Gustavus Hamilton* 5382 Acres, whereof 1900 are no part of the Forfeitures; Consideration, his great and early Services in the War of *Ireland*, his wading through the *Shannon*, and storming the Town of *Athlone* at the head of the *English* Granadeers.

To Dr. Lesly. 46. To Dr. *John Lesly* 16e77 Acres; Consideration, his early Services in the War of *Ireland*, his great Expence in raising and arming considerable numbers of Men, and fighting at the head of them in several Ingagements.

To Sir T. Pendergrass. 47. To *Thomas Pendergrass* Esq; now Sir *Thomas Pendergrass* Baronet, two Grants, containing 7082 Acres, upon the most valuable Consideration of his great Services in discovering a most barbarous and bloody Conspiracy to assassinate the King's most Excellent Majesty, to destroy the Liberties of *England*, and in consequence the Protestant Religion throughout *Europe*.

To Mr. Baker. 48. To Mr. *John Baker* 1647 Acres, in Consideration of the great and memorable Services his Father Colonel *Henry Baker* performed in the Defence of the City of *Londonderry*.

To Mr. Corry. 49. To *James Corry* Esq; two Grants; one of a Mortgage of Two thousand Pounds, in Fee of several Lands in the County of *Wicklow*, due to Sir *Edward Scott* from the Earl of *Tyrone*; the other of 1725 Acres. The Consideration mention'd in the Letters Patents, are his House being burnt, and his having furnished the Garison of *Iniskilling* with Provisions and Materials to the value of 3000 *l.* at his own Expence. But enquiring into the Merits of this Gentleman, it appear'd to us, That he gave no Assistance to the Garison of *Iniskilling*: That in the Town of *Iniskilling* he publickly declar'd, he hoped to see all those hang'd that took up Arms for the Prince of *Orange*; and his House was burnt by the said Garison.

50. The rest of the Grants with the former, appear in the said Book, *Numb.* 6. and are comprehended in the General Values.

51. It is to be observed, that all Acres mentioned in this Report, are meant Plantation Acres, which bear a proportion to *English* Acres, as 441 is to 264.

52. It is further to be observ'd, That the Estates above mention'd, do not yield so much to the Grantees as they are here valu'd at; for as most of them have abus'd

his

his Majeſty in the real Value of their Eſtates, ſo their Agents have impos'd on them, and have either ſold or let the greateſt part of theſe Lands at a great Undervalue. *The Grantees impoſed on.*

53. We are further to take notice, That moſt of the Lands in the ſeveral Grants aforeſaid, were granted under the Exchequer Seal, *in Cuſtodiam*, for ſmall numbers of Years, or during Pleaſure, either to the preſent Grantees, or other Perſons; by which means very little Profit has accru'd to his Majeſty: the greateſt part of the *Cuſtodiams* are now expir'd, but thoſe few yet in being, appear in a Book at the lower end of the Grants, *Numb.* 6.

54. In the next place we ſhall humbly acquaint your Honours with the ſeveral Incumbrances that affect the Eſtates forfeited and not reſtor'd: And here we ſhall take notice of ſuch only as are found by Inquiſition, or have been allow'd by his Majeſty's Court of Exchequer, moſt of which laſt have been in purſuance of her late Majeſty's Letter, dated to the Lords Juſtices of *Ireland*; which requir'd that all Proteſtants ſhould try the Validity of their Incumbrances in the moſt ſpeedy manner, without ſubjecting them to dilatory and chargeable Methods. *Incumbrances affecting the Eſtates not reſtor'd.*

55. All Statutes, Judgments, Mortgages, or other Debts, which appear to us as aforeſaid to affect the ſaid Eſtates not reſtor'd, amount to 161936 *l.* 15 *s.* 6 *d.* The Particulars whereof appear in a Book deliver'd in with this Report, N°. 7.

The Reality of the ſaid Incumbrances, which of them have been made upon a valuable Conſideration, and what have been ſince diſcharg'd by Receit of Rents, or otherwiſe, we have had neither Time or Opportunity duly to examine. But we humbly conceive there are many very great Deductions to be made, upon the follow-Conſiderations.

56. In all Judgments and Statutes we have ſet down the penal Sums; not being able to know what Intereſt is due on the ſeveral Particulars.

57. It appears probable to us, that oftentimes the Judgment and Mortgage is the ſame Debt.

58. It is probable, that many of the ſaid Judgments are only for the Performance of Covenants; and the Defeazances remain in the Hands of the Covenanters.

59. In many Caſes Proteſtants and Papiſts have been equally bound; and the whole Debt is demanded on the Lands of the forfeiting Perſon, tho there may be other Security.

60. It does appear that many Deeds and Copies of Judgments were produc'd to the Juries on ſeveral Enquiries, and found without any Proof of the Execution of ſuch Deeds, or the Conſiderations therein expreſſed.

61. It is probable, that in many Caſes, the Statutes and Judgments have been ſatisfy'd, and do not appear diſcharg'd upon Record.

62. Many Incumbrances have been bought up by the Grantees, their Agents, and Under-Purchaſers, and oftentimes at ſmall Values, and are kept on foot to cover their Eſtates, tho probably they might have over-paid themſelves by the Perception of Profits. *Many Incumbrances bought by the Grantees.*

63. Many Perſons have been put in Poſſeſſion of the Lands incumbred, by virtue of her Majeſty's Letter, and have receiv'd all, or a great Part of their Debts.

64. It is probable, that ſeveral of the Incumbrances have been taken in truſt for forfeiting Perſons, and many others were entred into covenouſly.

65. In Concluſion, it appears to us that there are all the Contrivances poſſible made uſe of by ſome Grantees, and their Agents, to make the Incumbrances appear great; tho we believe if they were duly enquir'd into, they would not be found ſo conſiderable, but that a great part of them might have been paid off, by the Perception of Profits before this time: However we humbly conceive that at preſent they will be much more than diſcharg'd by the Perſonal and other Forfeitures not before valued; which we now humbly lay before your Honours. *Endeavours to make the Incumbrances great.*

66. As we inform'd your Honours before, ſoon after the Battel of the *Boyne*, Commiſſioners under the Great Seal of *Ireland* were appointed, who had power to ſeize and diſpoſe of the forfeited Goods and Chattels to his Majeſty's uſe. Theſe appointed Sub-Commiſſioners in the ſeveral Counties then in his Majeſty's Poſſeſſion; who made Returns of great Quantities of Goods and Chattels, which they valu'd at 135552 *l.* but at ſo moderate Computations, that every Horſe was valu'd at twenty Shillings, every Cow or Ox at 15 *s.* Sheep at Half a Crown apiece, and other things proportionable. So that it appears very probable to us, that if the ſaid Goods had been diſpos'd of to the beſt advantage, they might have yielded between two and three hundred thouſand Pounds. But before that could be done, upon Repreſenta- *Value of forfeited ſeiz'd Goods and how embezel'd.*

tion of the then Commissioners of the Revenue, the Power of disposing by the said Commissioners of Forfeitures, was superseded by a Letter from his Majesty within nine days after the granting their Commission, and plac'd in the Commissioners of the Revenue. By this means so much time was lost, before their Books and Goods seiz'd by the Sub-Commissioners could be transfer'd to the Officers of the Revenue, that the greatest part of them were either imbezel'd by the Sub-Commissioners of Forfeitures, or the Collectors of the Revenue, or else plunder'd by the Army at their Return into Winter-Quarters; so that it does not appear to us, that there ever was accounted for to his Majesty, above the Value of 44000 *l.* Besides these, there were great Quantities of other Goods appear'd in the Inquisitions, which we do not find ever came to his Majesty's use: and many more were seiz'd by private Men. Indeed the Plunder at that time was so general, that some Men in considerable Employments were not free from it; which seems to us a great reason why this matter has not been more narrowly search'd into. Particularly, the Lord *Coningsby* seiz'd a great many black Cattel, to the number of 300, or thereabouts, besides Horses, which were left in the Park after the Battel of the *Boyne*, and which we do not find were ever accounted for to his Majesty: He also seiz'd all the Plate and Goods in the House of Sir *Michael Creagh*, Lord Mayor of *Dublin* for the Year 1689, which are generally thought to amount to a great Value: But this last is said to be by Grant from his Majesty. There were several rich Goods and other Houshold-stuff deliver'd by the Commissioners of the Revenue to the then Lords Justices, the Lord *Sidney* and Lord *Coningsby*, which we do not find were ever return'd, accounted for to his Majesty, or left in the Castle at their departure from the Government.

67. Farther, There were several other Quantities of Goods deliver'd by Order of the said Commissioners of the Revenue to Sir *Charles Porter*, Major-General *Kirk*, and others, which have not been return'd; and a great deal more taken by the General Officers of the Army, which it's said his Majesty hath since discharg'd.

Advantages made by those Forfeitures.

68. If we may believe the general Reports of the Country, very many Persons have made their Advantages of these Forfeitures: but the Time was so distant, the Proofs so difficult, and withal the Hopes of getting any part of them back again so remote, that we rather chose to prosecute more material Inquiries; therefore can give your Honours no further Information concerning them.

Sums due to forfeited Persons.

69. But since the Values of the before-mention'd Goods and Chattels are so uncertain, we make no Estimate thereof; but will proceed to take notice of some Debts by Judgment and Statute, and a few Mortgages due to forfeiting Persons not restor'd, which amount to 120013 *l.* 13 *s.* 10 *d.* as appears in a Book deliver'd in with this Report, N° 8.

Exceptions those Debts are liable to.

70. And here it may be observ'd, That these Debts are liable to all the Objections made against the Incumbrances before mention'd; only with this difference, That as the Incumbrances may be presum'd to be in a great measure satisfy'd by the Perception of Profits, the Creditors being many of them in Possession, pursuant to her late Majesty's Letter in favour of Protestant Creditors, or at least that the full Interest thereof has been paid out of the Rents; so in the other, the full Penalty is due, no Interest appearing to be paid since the Forfeiture; and therefore we humbly conceive may be taken as so much in Discount, against Incumbrances.

71. And here we crave leave further to observe, That almost all the said Judgments were found in the *Court of Exchequer* only: And that from a Mistake of our Orders, no Return has been made from either of the other Courts of Law; by which means we believe many more Debts appearing on Record to be due to forfeiting Persons not restor'd, may be omitted.

Computation of other Forfeitures.

72. There are yet to be computed 297 Houses in the City of *Dublin*, 36 Houses in the City of *Cork*, with 226 Houses situate in the several Cities and Towns of this Kingdom; together with 61 Mills, 28 Fairs and Markets, 72 Rectories and Tythes, chief Rents amounting to 238 *l. per annum*; and 6 Ferries and Fisheries, lying within the several Counties and Baronies of this Kingdom, the Forfeitures of Persons not restor'd; which we value in gross at 50000 *l.* and place here among the Personal Forfeitures, towards the discharge of Incumbrances: And if we add the Debts due to forfeiting Persons, we humbly conceive 'twill fully discharge the Incumbrances aforesaid. And if there were room to apprehend any Deficiency, yet the Chattels real of Persons comprehended within the Articles of *Limerick*, which by the Construction of the said Articles they were not to be restor'd

reſtor'd to, would fully (as we apprehend) make up any defect that might remain, after the Allowances aforeſaid.

73. It appear'd to us by our Obſervations in the Country, That a great part of the Lands call'd Unprofitable in the Surveys (except thoſe in *Kerry*, which we account as nothing) are now Profitable Acres, and many of them as good as any Lands in the Kingdom; and tho they are not comprehended within our Valuations, yet are in themſelves conſiderable. *Land call'd unprofitable, now uſeful.*

74. We have computed the forfeited Eſtates acccording to the preſent Values, and the current Price of Coin here, were they now to be ſet, without any regard to beneficial Leaſes made before the Forfeitures: And becauſe we found it impoſſible either to come to a reaſonable Knowledg of the number of them, and which are real, or fraudulently ſet up, we think it moſt proper to make a general Allowance for the ſame, by way of Diſcount on other Particulars; and if all the unprofitable Acres be caſt in, it may near anſwer the Difference of Value the now beneficial Leaſes do make, from the preſent intrinſick Value, excluſive of them. *Allowances to be made in the Valuation.*

75. And leſt this Allowance ſhould be thought inſufficient, we humbly conceive the Woods of this Kingdom now ſtanding on the forfeited Eſtates not reſtor'd, may be worth ſixty thouſand Pounds; which we believe (if thrown in) will anſwer the Difference, provided ſome ſpeedy Care be taken to prevent further Waſt.

76. But leſt our Allowances on the Particulars aforeſaid, ſhould not be eſteem'd ſufficient, we throw in all Denominations of Lands, to which we could annex no number of Acres, not receiving any Light either by the Surveys, Commiſſioners Books, Inquiſitions, or our Enquiries in the Country; and becauſe they are Quantities of Lands that vaſtly differ from one another, both in Value and Number of Acres, we can ſet no certain Eſtimate upon them: tho it ſeems very probable to us, that they amount to at leaſt Seventy or Eighty thouſand Acres; which we humbly conceive will much more than anſwer all the Deficiencies before-mention'd.

77. And here we ſhall take notice of the General Waſt committed on the forfeited Woods of this Kingdom, particularly on the Woods of Sir *Valentine Brown* in the County of *Kerry*; where the Value of twenty thouſand Pounds has been cut down and deſtroy'd. And the Waſt made on the Woods of the late Earl of *Clancarty*'s Eſtate, now in Grant to the Lord *Woodſtock*, is computed at twenty ſeven thouſand Pounds. And indeed ſo haſty have ſeveral of the Grantees or their Agents been in the diſpoſition of the forfeited Woods, that vaſt Numbers of Trees have been cut, and ſold for not above Sixpence apiece; and the like Waſt is ſtill continuing in many parts of this Kingdom; and particularly at this Inſtant, the Right Honourable Sir *John Hely*, Lord Chief Juſtice of the Court of Common-Pleas here, and *Peter Goodwyn*, Joint Purchaſers of the Lands of *Feltrim*, within 6 Miles of *Dublin*, of the Right Honourable the Lord *Coningsby*, are now cutting down the very Ornamental Rows and Groves about the Manſion-houſe. Great Waſt hath been made, and yet is committing on the Woods of *Oſhogneſs* in the County of *Gallway*, purchas'd by *Toby Butler* Eſq; for about 2500 *l.* which is valu'd to above 12000 *l.* And when we appointed ſome Perſons to view and value the ſaid Woods, the ſaid *Toby Butler* did proſecute ſeveral of them by Indictment for ſo doing. *Waſt committed on the forfeited Wood.* *And daily committed.*

78. Beſides all the Forfeitures before mention'd, there are great Numbers of Perſons guilty of the late Rebellion, and within no Articles, and never proſecuted; and very many have appear'd on the Exigent, which to this day are continu'd under Bail; and ſome of them were this laſt Summer Aſſizes try'd and acquitted. And indeed it does appear to us that the Freeholders of this Kingdom, thro length of time, and by contracting new Friendſhip with the *Iriſh*, or by Inter-purchaſing with one another, but chiefly thro a general Diſlike of the Diſpoſition of the Forfeitures, are ſcarce willing to find any Perſons Guilty of the late Rebellion, even upon full Evidence. *Many guilty Perſons not proſecuted.*

79. By reaſon of this Delay of Proſecution, many good Eſtates by the Death of Parties have been loſt to his Majeſty.

80. And notwithſtanding all this, it ſeems probable by the Multitude of Diſcoveries offer'd us, that if right Methods were taken, and proper Encouragements given, a great Sum of Mony might be yet rais'd out of the Forfeitures that lie conceal'd. *Many conceal'd Forfeitures.*

81. There has been ſo great a neglect in the Proſecution of the King's Title, that no Inquiſitions went into *Connaught*, till the Year 1695. which gave the forfeiting Perſons time and leiſure to ſet up what Incumbrances they pleas'd. And when they were iſſu'd, the Findings were almoſt as the Council of the forfeiting Per- *No Inquiſitions in Connaught till 1695.*

Perſons pleaſed: and indeed by the great diſproportion of Proteſtants to Papiſts, which is computed at not one to fifty, and ſo very few Proteſtant Freeholders within moſt Counties of that Province, ſo little Juſtice is to be had there, that the Province it ſelf ſeems ſcarcely reduced to his Majeſty's Obedience. A late Inſtance might be given, at the laſt Aſſizes for the County of *Gallway*, where near Forty Perſons were brought on their Trials for the late Rebellion, and the Majority of the Jury that had them in Charge, were Officers in the late King *James*'s Army, and adjudged within Articles; and after that, 'twere needleſs to ſay they were all acquitted: tho by accident 'twas diſcovered, that Mr. *Kirevan*, one of the Perſons then on Trial, was in actual Rebellion, and an Officer under the Foreman of the Jury, who was ſworn to that Fact; which was a ſurprizing Difficulty to the Jury, who not well knowing how to acquit him upon ſo direct a Proof, reſolved that the Dice ſhould determine; and ſo the Jury amongſt themſelves threw the Dice who ſhould abſent himſelf, and the Lot falling on one Mr. *Pendergraſs*, he did abſent himſelf accordingly; and ſo no Verdict was given on the ſaid Mr. *Kirevan*, who was thereupon bound over to appear the next Aſſizes at *Gallway* to take his Trial.

The great Eſtate of the Earl of Clanrickard *in* Connaught.

82. The Houſe of *Clanrickard* have a vaſt Territory within that Province, with few or no Proteſtant Tenants thereon; the greateſt part whereof by the Attainder of the Lord *Bophin* (who is only Tenant for Life) is now veſted in his Majeſty: and we humbly conceive if proper Methods were now taken for ſetting the ſaid Eſtate to Proteſtant Tenants by Leaſes for Lives, renewable for ever, 'twould greatly increaſe the Freeholders, and thereby ſecure the Property, and advance the Proteſtant Intereſt of that Province.

Grantees ſell their Lands. And the Sums they amount to.

83. In the next place we humbly acquaint your Honours, That ſeveral of the Grantees have raiſed great Sums of Mony by ſale of their Lands and Eſtates, in the whole amounting to the Sum of Sixty eight thouſand one hundred fifty five Pounds, three Shillings, and one Penny, as does hereafter more particularly appear; *viz.* The Right Honourable the Earl of *Athlone* has ſold to ſeveral Perſons, ſo much of his Grants as amounts to the Sum of Seventeen thouſand ſix hundred eighty four Pounds, twelve Shillings; and we think we ought to take notice, that the Lord *Athlone*'s Grants are confirmed by an Act of the Parliament of *Ireland*. The Right Honourable the Earl of *Rumney* hath ſold ſo much of his Grants, as amounts to Thirty thouſand one hundred forty ſeven Pounds, eleven Shillings and one Penny, of which Five thouſand three hundred twenty three Pounds, fourteen Shillings and ſeven Pence, remains unpaid in the Purchaſers hands. The Right Honourable the Earl of *Albemarle* hath received Thirteen thouſand Pounds in *England* by ſale of part of his Grant. The Right Honourable the Lord *Coningsby* hath ſold to the value of Two thouſand two hundred Pounds: And *Thomas Keightley* Eſq; hath ſold and received to the value of Five thouſand one hundred twenty three Pounds, ten Shillings: Amounting in the whole to the Sum of 68155 *l.* 3 *s.* 1 *d.*

Encouragement given to Diſcoverers.

84. We are alſo to acquaint your Honours, That there have been ſeveral Proclamations, and other publick Aſſurances given, that a fourth Part ſhould be granted to ſuch as ſhould diſcover any concealed Forfeitures. To ſome of the Diſcoverers Grants have been made, and they appear in the Book of Grants, *Numb.* 6. and others affirm they have not yet receiv'd ſatisfaction. The whole we believe are under the Value of Two thouſand Pounds *per Ann.*

Forfeitures in general have been chargeable to his Majeſty.

85. And here we take notice, that the Forfeitures in general, notwithſtanding they appear to be ſo conſiderable, have been rather a Charge than Profit to his Majeſty; which might ſeem very extraordinary, if we did not acquaint your Honours, that many obſcure Men, that had little or nothing ſince the Reduction of *Ireland*, are now reputed Maſters of conſiderable Eſtates, and ſome of them very great ones: nor does there appear any viſible Cauſe of their acquiring ſuch ſudden Riches, but by fiſhing in theſe Forfeitures. Indeed the whole Management has been ſo intricate, as it were deſign'd to be kept a Myſtery; which has proved ſufficiently advantageous to theſe Men, tho much to his Majeſty's Detriment, who by this means has been deceived in the Value of his Grants, and in many Caſes has given much more than he intended.

The Cauſe thereof.

86. There is nothing ſeems to us to have contributed more to it than the letting the forfeited Lands by Cant in the City of *Dublin*, and not in the ſeveral Counties of this Kingdom; for by that means very few Perſons would come to Town, at a great Charge, and neglect of their Affairs, when they were ſure to be out-bid by the Agents to Great Men, who aimed only to get into Poſſeſſion, and had Intereſt enough

enough afterwards to have all or moſt part of the Rents remitted. Upon this Conſideration Mr. Attorney General and Mr. *William Connelly* Eſq; canted Lands in the County of *Kilkenny*, worth about 200 *l. per Annum*, to more than 20000 *l. per Annum*. So that private Perſons who had no Intereſt, found it in vain to contend; beſides, they were overaw'd by the Authority often of thoſe that bid againſt them, which weighs much in this Country.

87. By theſe Methods, when others were driven off the Stage, they took the Lands at their own Rates; oftentimes, as we conceive, agreeing not to bid one againſt another: Particularly the Honourable *Thomas Broderick* Eſq; and the ſaid *William Connelly*, who took vaſt Quantities of Lands, and in a great meaſure govern'd the Cants (few Perſons daring to bid againſt them) acted in Partnerſhip in all they took in the Year 1695. and ever ſince, and let it afterwards to Under-Tenants at greater Rents: Which is the more obſervable in Mr. *Broderick*, who then was a Privy-Counſellor, and appointed by the Lord *Capell* to inſpect the Cants, having been informed they were managed much to his Majeſty's Diſadvantage. *Abuſes in Canting the forfeited Lands.*

88. Nor could it be expected they ſhould be better regulated, when many of the immediate Officers of the Revenue took Parcels of theſe Lands, and ſome were taken in Truſt for the very Commiſſioners themſelves: Particularly, the Lands of *Kerdiffs* Town were Let to *Henry Fernley*, who was a Nominal Perſon in Truſt for Mr. *Culliford*, at Thirty one Pounds ſixteen Shillings *per Annum*, tho actually canted at Eighty four Pounds. Several other forfeited Lands were taken by Mr. *Culliford*, and great quantities of Goods ſeized by him to his Majeſty's Uſe, which he afterwards converted to his own Uſe.

89. Beſides the great Abuſes in the management of their Cants, We humbly repreſent to your Honours one Inſtance of a conſiderable Eſtate, that was Let without any Cant at all, by Direction of the Lords Juſtices, for at leaſt One thouſand Pounds *per Annum* leſs than it was then worth, and for a Term of Sixty one Years (tho by a Letter from his Majeſty, dated the 8*th* day of *March* 1698. they were commanded to let it for a Term not exceeding One and twenty Years) and at a time too when there was a Term of one Year and half unexpired in another Tenant: This is a Leaſe of the Eſtates of Sir *Valentine Brown*, and *Nicholas Brown*, commonly call'd Lord Viſcount *Kenmare*, within the Counties of *Kerry* and *Lymerick*, made to *John Blenerhaſſet* and *George Rogers* Eſquires, then Members of Parliament of this Kingdom.

90. Having already laid before your Honours the moſt material Parts of our Enquiry, We now crave leave to make a ſhort Abſtract of our Valuations, before We conclude our Report.

Abſtract of the Valuation of the Forfeitures.

The whole forfeited Eſtates, ſince the 13*th* day of *February* 1688. We value at 2685130 *l.* 5 *s.* 9 *d.*

The Eſtates reſtored by Articles, We value at 724923 *l.* 4 *s.* 6 *d.*

The Eſtates reſtor'd by Favour we value at 260863 *l.* 7 *s.* 3 *d.*

The Debts affecting the Eſtates forfeited, and found by Inquiſitions, or allow'd by Order of the *Exchequer*, we compute at 161936 *l.* 15 *s.* 6 *d.*

Ballance allow'd.

Againſt which we ballance the Debts due to forfeiting Perſons not reſtor'd, amounting to 120013 *l.* 13 *s.* 10 *d.* as alſo all Houſes, Tithes, Mills, Fairs, Markets, chief Rents, and Ferries, worth about 50000 *l.*

Againſt the beneficial Leaſes we ballance all the Acres call'd *Unprofitable*; and alſo all the Woods yet ſtanding upon the Forfeited Eſtates, which we compute may be worth about 60000 *l.* and the Chattels real of Perſons adjudged within Articles, hitherto never brought to any account.

Allowances.

But leſt our Allowances ſhould not be thought ſufficient, we throw in all Denominations of Lands that have no Acres annext to them, which we cannot believe will amount to leſs than Seventy or eighty thouſand Acres; and conſequently, if valued in proportion with other Lands, will come to at leaſt 140000 *l.*

The Eſtates yet undiſcovered ſeem to us very conſiderable, but we can make no probable Valuation of them.

Sums receiv'd by the Grantees.

The Sums received by the Grantees, from the Sale of their Eſtates, amount to 68155 *l.* 3 *s.* 1 *d.*

We have taken no notice of any Debts due to Forfeiting Perſons reſtored, or of any Incumbrances affecting their Eſtates.

And

Total Valuation of the Forfeitures. And after the ſeveral Allowances before-mention'd, there yet remains 1699343 *l.* 14 *s.* which we humbly lay before your Honours as the groſs Value of all the Eſtates forfeited ſince the 13*th* day of *February* 1688. and not reſtored.

We ſhall now conclude our Report, by laying before your Honours another Grant of a conſiderable Value, which we are apprehenſive does not fall within the Letter of our Enquiry: But ſince the Benefit of ſome forfeited Leaſes or Holdings are therein granted, we choſe rather to lay the whole Grant before you, than be thought deficient in executing any part of our Duty, or what might be expected from us.

Lady Orkney's *Grant and its Value.* A Grant under the Great Seal of *Ireland*, dated the 30*th* day of *May* 1695. paſſed to Mrs. *Elizabeth Villiers*, now Counteſs of *Orkney*, of all the private Eſtate of the late King *James* (except ſome ſmall part in Grant to the Lord *Athlone*) containing 95649 Acres, worth *per Annum* 25995 *l.* 18 *s.* Value total 337943 *l.* 9 *s.* The Particulars whereof, *viz.* the Number of Acres in each County and Barony, the Value *per Annum*, and Value Total, appear in a Book delivered in with this Report, *Numb.* 9.

There is payable out of this Eſtate Two thouſand Pounds *per Annum* to the Lady *Suſannah Bellaſis* for her Life; and alſo One thouſand Pounds *per Annum* to Mrs. *Godfrey* for her Life; and almoſt all the old Leaſes determine in *May* 1701. and then this Eſtate will anſwer the Values above-mentioned.

DUBLIN.

Fra. Anneſley,
John Trenchard,
James Hamilton,
Hen. Langford.

Veneris 4 *die Aprilis.*

2 *Guliel. & Mariæ.* 1690.

Reſolved,

THAT a Bill be brought in to attaint all Perſons guilty of Rebellion in *Ireland*, or elſewhere, againſt their Majeſties King *William* and Queen *Mary*; and to Enact and Declare their Eſtates to be Forfeited, and to be ſold for the Reducing of *Ireland*. And it is recommended to Mr. Solicitor-General, Mr. Serjeant *Trenchard*, Sir *Richard Reynell*, Sir *Thomas Clarges*, Sir *William Poultney*, and Colonel *Birch*, or any Three of them, to take care thereof.

Lunæ 5 *die Januarii.*

2 *Guliel. & Mariæ.* 1690.

His Majeſty's Gracious Speech to both Houſes of Parliament.

My Lords and Gentlemen,

HAving lately told you, That it would be neceſſary for Me to go into Holland *much about this time; I am very glad to find that the Succeſs of your Endeavours to bring this Seſſion to a happy Concluſion has been ſuch, that I am now at Liberty to do it. And I return you my hearty Thanks for the great Diſpatch you have made in finiſhing the Supplies you have deſign'd for carrying on the War: Which it ſhall be my Care to ſee duly and punctually applied to that Service for which you have given them. And I do likewiſe think it proper to aſſure you, That I ſhall not make any Grant of the Forfeited Lands in* England *or* Ireland, *till there be another Opportunity of ſettling that Matter in Parliament in ſuch manner as ſhall be thought moſt Expedient.*

My Lords and Gentlemen,

As I have reaſon to be very well ſatisfied with the Proofs you have given Me of your good Affection in this Seſſion of Parliament, ſo I promiſe my Self the continuance of the

the ſame at your Return into your ſeveral Countries. And as every day produces ſtill freſh Inſtances of the Reſtleſneſs of our Enemies both at Home and Abroad, in deſigning againſt the Proſperity of this Nation, and the Government Eſtabliſhed; ſo I do not doubt but that the Union and good Correſpondence between Me and my Parliament, and My earneſt and conſtant Endeavours for your Preſervation on the one hand, joined with the continuance of your Zeal and Affection to ſupport Me on the other, will, by the Bleſſing of God, be at all times too ſtrong for the utmoſt Malice and Contrivance of our common Enemies.

Sabbati 4 die Martii.

5 *Guliel. & Mariæ.* 1692.

The Humble Addreſs of the Houſe of Commons to his Majeſty.

'WE your Majeſty's moſt dutiful and loyal Subjects, the Commons in Parliament aſſembled, having taken into our ſerious Conſideration the State of your Majeſty's Kingdom of *Ireland*, find our Selves obliged by our Duty to your Majeſty, with all Faithfulneſs and Zeal to your Service, to lay before your Majeſty the great Abuſes and Miſmanagements of the Affairs of that Kingdom:

'By expoſing your Proteſtant Subjects to the Miſery of Free Quarter, and the Licentiouſneſs of the Soldiers, to the great Oppreſſion of the People there; which we conceive hath been occaſioned chiefly by the want of that Pay which we did hope we had fully provided for.

'By recruiting your Majeſty's Troops with *Iriſh* Papiſts, and ſuch Perſons who were in open Rebellion againſt You; to the great endangering and diſcouraging of your Majeſty's good and loyal Proteſtant Subjects in that Kingdom.

'By granting Protections to *Iriſh* Papiſts; whereby Proteſtants are hindred from their Legal Remedies, and the Courſe of Law is ſtopt.

'By Reverſing Outlawries for High-Treaſon againſt ſeveral Rebels in that Kingdom (not within the Articles of *Lymerick*) to the great diſcontent of your Proteſtant Subjects there.

'By letting the Forfeited Eſtates at Under-Rates, to the leſſening of your Majeſty's Revenue.

'By the great Imbezlements of your Majeſty's Stores in the Towns and Gariſons of that Kingdom, left by the late King *James*.

'And by the great Imbezlements which have been made in the Forfeited Eſtates and Goods, which might have been employed for the Safety and better Preſervation of your Majeſty's Kingdom.

'We crave leave alſo to repreſent to your Majeſty, That the Addition made to the Articles of *Lymerick*, after the ſame were finally agreed to, ſigned, and the Town thereupon ſurrendred, hath been a very great encouragement to the *Iriſh* Papiſts, and a weakning to the *Engliſh* Intereſt there.

'Having thus, moſt Gracious Sovereign, out of our affectionate Zeal to your Majeſty's Service, with all humble Submiſſion to your Great Wiſdom, laid before You theſe Abuſes and Miſmanagements in your Kingdom of *Ireland*; We moſt humbly beſeech your Majeſty, for Redreſs thereof,

'That the Soldiers may be paid their Arrears, and the Country what is due to them for Quarters; and that no *Iriſh* Papiſt may ſerve in your Army there.

'And foraſmuch as the reducing of *Ireland* hath been of great Expence to this Kingdom, We do alſo humbly beſeech your Majeſty, That (according to the Aſſurance your Majeſty hath been pleaſed to give us) no Grant may be made of the Forfeited Lands in *Ireland*, till there be an opportunity of ſettling that Matter in Parliament in ſuch manner as ſhall be thought moſt expedient.

'That a true Account of the Eſcheats and Forfeited Eſtates, both Real and Perſonal, and Stores left by the late King *James*, may be laid before your Commons in Parliament, to the end that the ſaid Eſcheats, Forfeitures and Stores, and the Imbezlements thereof may be enquired into.

'That no Outlawries of any Rebels in *Ireland* may be reverſed, or Pardons 'granted to them, but by Advice of your Parliament; and that no Protection may 'be granted to any *Iriſh* Papiſt to ſtop the Courſe of Juſtice.

'And as to the Additional Article which opens ſo wide a Paſſage to the *Iriſh* 'Papiſts to come in and repoſſeſs themſelves of the Eſtates which they had forfei-'ted by their Rebellion, We moſt humbly beſeech your Majeſty, That the Arti-'cles of *Lymerick*, with the ſaid Addition, may be laid before your Commons in 'Parliament, that the Manner of obtaining the ſame may be enquired into; to 'the end it may appear by what Means the ſaid Articles were ſo enlarged, and to 'what Value the Eſtates thereby claimed do amount.

'Thus, may it pleaſe your Majeſty, We your dutiful and loyal Subjects, do lay 'theſe Matters in all humility before You; and as your Majeſty hath been pleaſed 'to give us ſuch gracious Aſſurances of your Readineſs to comply with us in any 'thing that may tend to the Peace and Security of this Kingdom, We doubt not 'of your Majeſty's like Grace and Favour to that of *Ireland*, in the Safety and Pre-'ſervation whereof, this your Majeſty's Kingdom is ſo much concerned.

Veneris 10 *die Martii.*

5 *Guliel. & Mariæ.* 1692.

His Majeſty's Gracious Anſwer.

Gentlemen,

I *ſhall always have great Conſideration of what comes from the Houſe of Commons; and I ſhall take great care, that what is amiſs ſhall be remedied.*

Jovis 18 *die Januarii.* 11 *Gulielmi.* 1699.

Reſolved,

THAT the Adviſing, Procuring, and Paſſing the Grants of the Forfeited and other Eſtates in *Ireland*, hath been the occaſion of contracting great Debts upon the Nation, and laying heavy Taxes on the People.

Reſolved,

That the Adviſing and paſſing the ſaid Grants, is highly reflecting on the King's Honour: And the Officers and Inſtruments concerned in the Procuring and Paſſing theſe Grants, have highly failed in the Performance of their Truſt and Duty.

Jovis 15 *die Februarii.* 12 *Gulielmi.* 1699.

Reſolved, That an humble Addreſs be preſented to his Majeſty, repreſenting to Him the Reſolutions of this Houſe of the 18*th* of *January* laſt, relating to the Grants of the Forfeited Eſtates in *Ireland.*

Lunæ 26 *die Februarii.* 12 *Gulielmi.* 1699.

His Majeſty's Anſwer.

Gentlemen,

I *Was not only led by Inclination, but thought my Self obliged in Juſtice to reward thoſe who had ſerved well, and particularly in the Reduction of* Ireland, *out of the Eſtates forfeited to Me by the Rebellion there.*

The long War in which We were engag'd, did occaſion great Taxes, and has left the Nation much in Debt: And the taking juſt and effectual Ways for leſſening that Debt, and ſupporting Publick Credit, is what in my Opinion will beſt contribute to the Honour, Intereſt and Security of the Kingdom.

Reſolved, That whoſoever adviſed his Majeſty's Anſwer to the Addreſs of the Houſe, preſented to this Houſe on *Wedneſday* laſt, has uſed his utmoſt Endeavour to create a Miſunderſtanding and Jealouſy between the King and his People.

Other

Other Papers relating to the Iriſh *Report.*

To Francis Anneſly, John Trenchard, James Hamilton, *and* Henry Langford, *Eſquires, Commiſſioners with us in the Execution of ſo much of a late Act of Parliament, made in* England, *as relates to the enquiring into, and taking an Account of the Forfeited Eſtates of* Ireland.

The Memorial of Henry *Earl of* Drogheda, *Sir* Francis Brewſter, *and Sir* Richard Leving *Knights.*

Memorial of three of the Commiſſioners about their refuſing to ſign 8 Paragraphs in the ſaid Report.

Gentlemen,

WE having jointly acted with you in the Execution of the Power to us given by a late Act of Parliament made in *England*, unto this preſent day, and having ſign'd and ſeal'd three Books of Outlawries *N.* 1. three Books of Forfeitures *N.* 2. and alſo three Books of Adjudications at the Council Board, *N.* 3. and three Books of Adjudications at the Court of Claims, *N.* 4. and three Books of Pardons and Reverſals *N.* 5. and three Books of Grants *N.* 6. and three Books of Incumbrances *N.* 7. and three Books of Debts due to forfeiting Perſons not reſtor'd *N.* 8. which we conceive contain the Subſtance of the Account requir'd from us by the ſaid Act; and our Secretary having drawn up the Report, by the immediate Directions and Privity of ſome of you, We have been preſent at the firſt and ſecond reading thereof, and have deliver'd our Sentiments concerning the ſeveral Paragraphs thereof, which in all amount to the number of ninety, or thereabouts: After having done our utmoſt Endeavours to ſatisfy you and our ſelves, and to come to a perfect Agreement with you for the Publick Good, on the 28*th* day of this inſtant *November*, three Parts or Books of the ſaid Report were prepar'd, read, and compar'd, and contain among other things, the Paragraph concerning the private Eſtate of the late King *James*, which we have before affirm'd, in our Opinions was not any forfeited Eſtate, within the meaning of the ſaid Act; and the ſaid Paragraph was much alter'd from what it was on the 24*th* day of *October* laſt, or at any time after, till the 23*d* day of this inſtant *November*; at which time it appear'd that mention is therein made of forfeited Leaſes, which are granted, together with the ſaid Eſtate, tho neither the Continuances of ſuch Leaſes, nor the Value of them above the reſerv'd Rent, nor other Certainty of the ſaid Leaſes does appear to us. We have declar'd, and do declare, that whenever the aforeſaid Matters ſhall appear, we will join in the reporting of whatever is a Forfeiture, within the meaning of the ſaid Act: Whereupon you were told by *Henry* Earl of *Drogheda*, that we could not give an Aſſent to the laſt Paragraph containing the ſaid private Eſtate, nor to Paragraphs 8, 10, 25, 32, 66, 78, 79.

But that we would agree to all the ſaid Report, except the above-mention'd Paragraphs.

Which you, *Gentlemen*, oppoſing, the ſaid Earl did enter on one of the Books, or parts of the Report, addreſs'd to the Honourable the *Houſe of Commons*, a Writing to the Effect following.

We agree to all the above Report, except the 8, 10, 25, 32, 66, 78, 79 Paragraphs, to which we cannot aſſent, for Reaſons which we will be ready to lay before your Honours when we ſhall be thereunto requir'd; which being written, we ſign'd and ſeal'd the ſame, and pray you to join with us therein, or to ſubſcribe your Names above the ſaid Writing, thereby teſtifying your Aſſent to all the Paragraphs in the ſaid Report.

But you, *Gentlemen*, inſiſting upon your Majority of four to three, have not only refus'd to ſign the ſaid Book addreſs'd to the Houſe of Commons, but have taken the other Books, containing the ſaid Report, and addreſs'd to his Majeſty and the Houſe of Peers, from us, and will not ſuffer us to join with you in ſuch manner, as will (as we conceive) both anſwer the ends of the ſaid Act, and ſatisfy our Minds in Matters which we are to certify upon our Oaths.

And when you propounded to us to make a ſeparate Report, which we thought no way convenient for the Service; you yet were not willing to let us have Copies, either of that we had agreed to, or diſſented from.

We therefore pray you, as well in conſideration of the Publick Truſt repos'd in us all, as of preſerving a good Correſpondence amongſt us, that you will not be any hindrance to our Writing and Subſcribing, and Sealing on the other Books and Parts of the Report addreſſed to his Majeſty, and the Lords Spiritual and Temporal, in ſuch manner as we have done on the Book addreſſed to the Honourable the Houſe of Commons; we leaving you ſufficient ſpace above ſuch Writing of ours, to ſubſcribe and ſeal the whole Report; which if it be not done already, we will conſent to make ſuch Alterations as to make that feaſible.

And we do inſiſt, and in virtue of the aforeſaid Act of Parliament pray and caution you, that you do not obliterate, cancel, or otherwiſe deface what we have (as we believe) ſolemnly ſign'd, ſeal'd, and deliver'd, as aforeſaid, purſuant to the ſaid Act; but that the ſame, without Alteration, be laid before the Honourable Houſe of Commons.

And we do likewiſe make inſtances to you, that we may be order'd, and not hindred from having Copies of the Paragraphs we have agreed to, but more eſpecially, and ſpeedily, thoſe to which we cannot agree, to the end we may not be hindred by you from laying before his Majeſty and the two Houſes of Parliament, the Reaſons why we cannot give our Aſſent to the ſaid 8 Paragraphs.

We alſo put you in mind of the ſeveral Inſtances we have made to you, of comparing at our Board the original Depoſitions taken before us, with the Entry thereof in our Book, and ſigning ſuch Book by us, after due comparing; which we think extremely neceſſary to be done, becauſe the original Depoſitions appear too much blotted and interlin'd, and are thereby capable of great Alterations, which may tend to the Diſcredit of our Proceedings.

And laſtly, we pray you, and inſiſt, that this our Memorial be kept ready to be produc'd amongſt the Papers and Proceedings of our Commiſſion. Given and deliver'd unto you under our Hands and Seals this 29*th* day of *November*, 1699.

A Copy of a Letter to the Lord Chancellor of England; *and the like Letter being ſent to the* Speaker *of the* Houſe of Commons, *the Houſe would not hear it read, as not ſign'd by a Quorum of the Commiſſioners ſent.*

Our very good Lord,

Their Letter to the Lord Chancellor of England, *of the ſame nature with the Memorial.*

WE having been appointed Commiſſioners, with four others, for executing ſo much of the late Act of Parliament made in *England*, as relates to the forfeited Eſtates of *Ireland*; and having acted jointly with them therein, to the Expiration of the time limited by that Act, and from that time attended the putting in order, and perfecting the Matters of our Enquiry, unto this preſent day; and having with them ſign'd and ſeal'd the ſeveral Books containing the Names of the forfeiting Perſons, the Particulars and Values of the forfeited Eſtates, real and perſonal; the Counties and Baronies wherein they lie, the ſeveral Grants and Diſpoſitions of the Forfeitures, and the Conſiderations thereof; the Reverſals of Outlawries and Pardons, of forfeiting Perſons, and their Conſiderations, and how and by whom procur'd; We conceive that we have thereby in all eſſential Matters, anſwer'd the ends of the ſaid Act, and compleated the Truſt repos'd in us.

But ſince it was thought convenient, that a Report of our Proceedings ſhould be alſo made for the better Explanation of the Books which contain the Subſtance, and to render them more uſeful and intelligible; we gave a general conſent that the Secretary ſhould draw it up, but gave then no particular Directions our ſelves concerning the ſame.

The Draught of which being produc'd, we excepted againſt ſeveral of the many Paragraphs contain'd in it; ſome for not being within the Power given us by the Act, and others as not warranted by Depoſitions or other Proof: and after many

Debates with the other Commissioners, We desiring to comply with them as much as possible, agreed to eighty two Paragraphs of the Report, containing more than all that related to the Books, and excepted only against about eight Paragraphs, tho we were not fully satisfy'd of several of those which we had pass'd in the manner they are expressed.

And when in these few Matters our Reasons could not prevail, but that they over-ruled us by a Pretence of a Majority, of four against three; and having labour'd to influence us by private Letters, Instructions and Directions, which they affirm'd they had receiv'd from several Members of the Honourable House of Commons, we did not insist further on having those eight Paragraphs left out of the Report.

But when the Report was engrossed, and came to be signed on Tuesday the 28*th* Instant, as we were content the other four should Sign and Seal the same, as they thought fit; so we desir'd to Sign and Seal the same, as an Approbation of all contain'd therein, except those Paragraphs: and accordingly on that part thereof address'd to the House of Commons, one of us did write words to the effect following, We agree to the above Report, except the 8*th*, 10*th*, 25*th*, 32*d*, 66*th*, 78*th*, 79*th* Paragraphs, and the Paragraph wherein the private Estate of the late Duke of *York* is included, to which we cannot agree for Reasons which we will be ready to lay before your Honours, when you are pleas'd to require them from us. And afterwards we Signed and Sealed the same, praying the other Commissioners to Sign and Seal as they thought fit, and offering to Sign and Seal the other parts of the Report addressed to his Majesty, and the House of Peers.

But they then instantly pretending to make an Order against what we did, refus'd either to Sign with us, or in a space left for them above our Writing, and hastily took away the other two Parts of the Report, which we had offer'd to perfect, and also took from us that part which we had already perfected.

We then adjourn'd, by Consent, till four in the Afternoon this Day: and understanding that they had pretended to make an Order for Cancelling the Report which we had Signed and Sealed; and seeing at the time of our meeting, that most of the Papers belonging to our Commission were taken away; We with all speed delivered to them a Memorial, under our Hands and Seals, offering thereby to Sign and Seal the other two Parts of the Report in the manner we had done the former, and to leave in them a greater Space for the other Commissioners to Sign and Seal above us; and if desired, to amend even that which was done before, praying them not to cancel what we had perfected.

We also put them in mind, that we had often made Request to them to compare the original Depositions which were taken before us, and were much blotted and interlin'd, and capable of great Alterations, with the Entries thereof in our Books, and that we might all of us Sign and Seal the said Entries; and we also prayed them to give us Copies of those Paragraphs to which we had agreed, and more especially those to which we dissented, that we might be the better able to represent to the most Honourable House of Peers, the Reasons of our disagreement to these Paragraphs. But finding no Success, and the other Commissioners owning to us, that they had, after our Adjournment the last Night, and after we were gone away, cut off that Leaf of the Report on which we had written our Consent, and put our Hands and Seals; and they insisting, that unless we would declare our Consent to all the Paragraphs, we should declare it to none; and refusing absolutely to let us Sign the said Report in any manner that might express our disagreement to any part of it: We think our selves under a necessity of applying to your Lordship to lay this Matter before the most Honourable House of Peers, that we may have an opportunity to shew that we have joined in the execution of all the Matters required of us by the said Act; and likewise the Reasons why, being upon our Oaths, we could not agree to those Paragraphs we excepted to. We are

Your Lordship's most faithful humble Servants,

Drogheda,
F. Brewster.
Ri. Leving.

DUBLIN,
Nov. 29.
1699.

House

House of Commons, *January* 16. 1699.

Iriſh Commiſſioners attending.

Sir *Richard Leving* firſt call'd in by himſelf.

Mr. *Speaker.* SIR *Richard Leving*, The Houſe having been inform'd of ſomething that you have ſaid to a worthy Member of this Houſe (which I am confin'd to examine you to) I may name the Perſon, becauſe you have ſaid it, as the Houſe is inform'd, to more than one: The Member's Name is *Vernon*, and it is in relation to ſome Diſcourſe that paſſed between you and one or more of the Commiſſioners for the *Iriſh* Forfeitures concerning the private Eſtate being put into the Report. The Houſe requires you to give an Account of what you informed that worthy Member.

Sir *Richard Leving.* Mr. *Speaker*, I ſhall very readily obey the Commands of the Houſe; but before that, I would inform you (if it be the pleaſure of the Houſe) of all that then paſſed.

Mr. *Speaker.* Pray take your own Method, give an account of what you know.

Sir R. Leving's Narrative of what paſt in Debate betwixt the Commiſſioners about reporting the Grant of K. J. his private Eſtate.

Sir *Richard Leving.* There was a Debate aroſe between the Commiſſioners concerning the reporting the private Eſtate: Upon that Debate I was of opinion, That that Eſtate ought not to have been reported, becauſe not within our power by the Act: Upon this a Debate happen'd, and ſeveral Reaſons were offer'd why this might be underſtood to be a Forfeiture; one Reaſon that was given was, that the Eſtate was the late King *James*'s Eſtate, and ſo it was forfeited. To which anſwer was made, That if King *James* had forfeited it, yet it was not within the Act, becauſe the words of the Act confin'd our Enquiry to Forfeitures ſince the 13*th* of *February* 1688. When that was ſaid, there was another of the Commiſſioners that did ſay, I was always of opinion that this was a Forfeiture within the Act, becauſe tho King *James* had not forfeited before, yet he coming into *Ireland* on *March* 15. 1688. he committed Treaſon againſt King *William* and Queen *Mary*, and forfeited that Eſtate. It was then objected, That this private Eſtate of the late King was parcel of the Poſſeſſions of the Crown of *England*, and was veſted in him as parcel of the Crown of *England*; and the Crown being veſted in King *William* and Queen *Mary* by an Act of Parliament made in this Kingdom, which ſettled the Crown in King *William* and Queen *Mary*, the Crown and all the Poſſeſſions were veſted in them *Feb.* 13. 1688. So that that Eſtate being actually in his Majeſty then, and tho otherwiſe it might have been conceiv'd that King *James* had forfeited afterwards, tho not then attainted, it could not be conceived how he could forfeit that Eſtate, becauſe it was before in the King and Queen. And the ſame Gentleman that urged, that upon the 15*th* of *March* K. *James* landed in *Ireland* and committed Treaſon, was pleaſed to ſay, I don't diſlike the 30*th* of *January*, nor the Deed that was done that Day; I like both the Day and the Deed. I confeſs I was ſurpriz'd at it, and ſaid, If thoſe be your Reaſons, and this is your Agreement, I declare I will never join in it.

One of the Commiſſioners at this time was abſent, but the next day that Gentleman was brought into the Room with the other Commiſſioners, and then this was debated again, and upon that Debate much of that Matter was ſpoke over again (not that relating to the 30*th* of *January*) but then it was again urg'd, that that Eſtate might be ſaid to be forfeited; and the ſame Objections were repeated, and it ſeem'd to be aſſented to by the other Commiſſioners, that it was not ſtrictly a Forfeiture, and ſome of them ſaid it might not be within the Commiſſion: then it was ask'd, Why then will you report it? And one of the Gentlemen did anſwer, that it was a villanous Grant, and therefore fit to be expos'd: I did not write down the Words at that time, becauſe I had then no intention of making any Complaint, or publiſhing theſe Matters. But ſince they have cut off our Hands and Seals from the Report, it made us think it neceſſary to do what we have done. And it being ſaid by a Commiſſioner not here, but in *Ireland*, If we take it not to be within our Commiſſion, why will you do it? why will you report it? for it will fly in the King's Face: To which another anſwered, Why the Commiſſion flies in the King's Face;

Debates about K. J. his forfeiting his private Eſtate.

Face; if you won't fly in his Face, you can't execute this Commiſſion, or you muſt not execute it, one of them two.

Upon this it was further urg'd, That this Matter ſhould be reported; and one of the Commiſſioners ſaid, Tho it was not clearly within the Act, yet he had receiv'd ſeveral Letters from ſeveral Members of this Houſe to report this Matter, and he ſaid it was as good (or contain'd in the Letter, that it was as good) do nothing as not to report it. There was upon this an Expreſſion by one of the Commiſſioners, that a great Perſon was concern'd [that was my Lady *Ork--y*] and the Application of that was, that if he was ſo tender of that Perſon, we ſhould not join with them in any thing elſe: For, Sir, the Debate was grown to this paſs, whether if we did not join in this thing, we ſhould join in any thing elſe. This I think is the Subſtance of what I told that worthy Member: if I am ask'd as to any other Perſon, I ſhall give you a true Account.

Mr. *Speaker.* I am commanded to ask you, who were by upon this Diſcourſe between you and the reſt of the Commiſſioners concerning the Differences in Opinion, and how many, and particularly at that time that one of the Commiſſioners did ſay, that he thought that ſince it was not in your Commiſſion to report that Grant, it would be a flying in the King's Face, *&c.*

Sir *R. Leving.* It was the day that the Commiſſioner that was ſick firſt came to us, I believe about the 24*th* of *October* laſt: There were preſent at that time the Lord *Drogheda*, Sir *Francis Brewſter*, Mr. *Anneſly*, Mr. *Trenchard*, Mr. *Hamilton*, Mr. *Langford*, the Secretary, and my ſelf, all were in the Room when this was ſaid.

Mr. *Speaker.* Who was it ſaid it was a flying in the King's Face? and who made anſwer that the Commiſſion did fly in the King's Face?

Sir *R. Leving.* It was my Lord *Drogheda* ſaid the firſt part, and Mr. *Hamilton* was the Perſon that ſaid the other.

Mr. *Speaker.* Who ſaid that concerning the 30*th* of *January*, that it was a good Day and a good Deed?

Sir *R. Leving.* That was the day before the other Diſcourſe was; there were all but Mr. *Trenchard*, who was ſick and came next day.

Mr. *Speaker.* Who ſaid it, and upon what occaſion?

Sir *R. Leving.* It was not a particular direction to any Perſon as I remember; but it was ſpoke by way of Anſwer: It was told Mr. *Langford* when he came in, the Objection that was made againſt this being return'd as a Forfeiture, *&c.* And then he ſaid, I was always of opinion that this was a Forfeiture, and that Kings might forfeit as well as others; and he thereupon ſaid, he did not diſlike the 30*th* of *January*. *Mr.* Langford's *Opinion.*

Mr. *Speaker.* You mention'd that ſome of the Commiſſioners ſaid they receiv'd Letters from Members of Parliament to inſert this Grant into the Report: Pleaſe to repeat who had them, and from whom?

Sir *R. Leving.* The firſt time I heard mention of any ſuch Letter was the firſt Night: After we roſe we went to Mr. *Trenchard*'s Chamber, who was ſick, to conſult; for this Debate occaſion'd ſome concern in our Minds, and we did apprehend ſome Breach amongſt us, and went to his Chamber to ſee if we could come to an accommodation; and offer'd Mr. *Trenchard*, and the reſt of the Gentlemen preſent, That if they would take the whole Report without the private Eſtate, and ſign it, we could join with them; and if they would put in an Article of the private Eſtate, they might ſign it by themſelves: for we thought if we could not agree to it, we would be no hindrance to them if they thought fit to do it; and then Mr. *Trenchard* ſaid, he had Letters from ſeveral Members to report this private Eſtate, and that it would ſignify nothing if we did not report it. *What paſſed in Mr.* Trenchard *his Chamber.*

Mr. *Speaker.* Did he ſay that from himſelf, or that it was in any Letter?

Sir *R. Leving.* I do not ſay that poſitively, he ſhew'd me no Letter.

Mr. *Speaker.* Did he name any Member?

Sir *R. Leving.* I do not remember that he nam'd any Member.

Mr. *Speaker.* Who were preſent at that time in Mr. *Trenchard*'s Chamber?

Sir *R. Leving.* Moſt of thoſe Gentlemen I have named were there the next day.

Mr. *Speaker.* Who were by?

Sir *R. Leving.* My Lord *Drogheda* and Sir *F. Brewſter* were not there, but the reſt were there, and the Secretary I believe was there. The next day when we met again, there were preſent, as I inform'd you, all the Commiſſioners; and then Mr. *Trenchard*,

Trenchard, amongſt other Diſcourſe, did expreſs himſelf in the ſaid manner, and Mr. *Anneſly* ſaid, that he had receiv'd Letters from Members of the Houſe.

Mr. *Speaker*. But Mr. *Anneſly* nor Mr. *Trenchard* did not tell you the Contents of thoſe Letters, nor from whom they receiv'd them.

Sir *R. Leving*. They ſaid they had Letters to report this Eſtate, but they did not as I remember name any body, tho I did hear from my Lord *Drogheda* and Sir *Francis Brewſter*, that they had nam'd Perſons, but I did not my ſelf take particular notice of any body.

Mr. *Speaker*. Did they produce any Letter, or ſhew you any?

Sir *R. Leving*. Not then.

Mr. *Speaker*. When did you ſee any?

Sir *R. Leving*. I did ſee a Letter the next Morning, and that Letter was ſhew'd to me by Mr. *Anneſly*, but I did not think that Letter came up to the Point they ſpake over night.

Mr. *Speaker*. Can you remember the Contents of it?

Sir *R. Leving*. I had rather refer my ſelf to the Letter, I believe Mr. *Anneſly* has it.

Mr. *Speaker*. Who wrote it?

Sir *R. Leving*. Muſt I name him?

Mr. *Speaker*. Yes, the Houſe expects it of you.

Mr. Moore *ſaid to write to Mr.* Anneſly.

Sir *R. Leving*. His Name is Mr. *Arthur Moore*: And I did then take notice of it to Mr. *Anneſly*, that this Letter did not amount to what they told us the Night before.

Mr. *Speaker*. You ſay you ſaid to Mr. *Anneſly*, you told us of a Letter you receiv'd from ſome Members to report this private Eſtate, but this Letter does not come up to what you told us. Upon which Mr. *Anneſly* anſwered as for himſelf, If we do not report that private Eſtate, we had as good do nothing.

Sir *R. Leving*. I don't ſay ſo: Upon recollection, I do now believe that thoſe Gentlemen, Mr. *Trenchard* and Mr. *Anneſly*, did ſay that there was contain'd in the Letter that Expreſſion, that if they did not put that Eſtate into the Report, they had as good do nothing; but when I once ſaw that Letter, I thought they had impoſed upon us.

Then Sir *R. Leving* withdrew, and all the reſt of the Commiſſioners that were then in Town, with their Secretary, were order'd to be brought in.

And accordingly Sir *Francis Brewſter*, Mr. *Anneſly*, Mr. *Trenchard*, Mr. *Langford*, and Mr. *Hooper* their Secretary were brought in.

Mr. *Speaker*. Gentlemen, I am commanded to enquire of you, and if you pleaſe you may ſpeak ſeverally to it: The Houſe has been inform'd of ſome Diſcourſes among you Gentlemen of this Commiſſion, when you differed in Opinion about returning of King *James*'s private Eſtate; the firſt time Mr. *Trenchard* was not there, and the next day that Mr. *Trenchard* was brought there: but I think the Diſcourſe the Houſe would enquire after was the ſecond day when Mr. *Trenchard* was there, which was to this effect, That ſome Argument being given why this Eſtate was a Forfeiture, and other Arguments being given it was not, one of the Commiſſioners, as this Houſe hath been inform'd, ſhould ſay, If it be not within our Commiſſion, 'tis a flying in the King's Face. Upon which another Commiſſioner made anſwer, Why the Commiſſion it ſelf flies in the King's Face; And for what are we ſent hither but to fly in the King's Face, or to that effect?

Members. No, no.

Mr. *Speaker*. I beg pardon if I miſtake, the words were to this effect: The Commiſſion flies in the King's Face; and if you will not fly in his Face, you muſt not, or you cannot execute this Commiſſion. You are all ſaid to be preſent when theſe words were ſpoken; ſo you will pleaſe to give account ſeverally to the Houſe what paſſed upon this Occaſion, and what you remember of it. Sir *Francis Brewſter*, if you pleaſe.

Sir Francis Brewſter's *Account of thoſe Matters.*

Sir *Francis Brewſter*. I beg leave to ſay, I am ſorry for any Differences between us, and that we were as hearty as any in the execution of this Commiſſion. But for the matter of the words now ſpoke of, there was ſome Diſcourſe concerning the reporting that private Eſtate: Sir *R. Leving* ſaid, it was not within our Enquiry. To which ſome Reply was made, Why if it was not within our Commiſſion, yet it might be fit to be reported. My Lord *Drogheda* made anſwer, If it be not within our Commiſſion, then it will be to fly in the King's Face to report it. Another then ſaid, The Commiſſion flies in the King's Face, and we can't act in this Commiſſion unleſs

leſs we fly in his Face; I think that was ſaid by Mr. *Hamilton.* Upon which ſome other Arguments went on to enforce the paſſing of it. At laſt ſome of the Commiſſioners ſaid they had a Letter from ſeveral Members of the Houſe of Commons, that gave them reaſon to believe they ſhould report this Eſtate: I think it was ſaid by Mr. *Anneſly.* Upon which Sir *R. Leving* made anſwer, I do not think theſe Gentlemen have changed their Minds, that was, that Forfeitures might be made by Kings: Upon which it was anſwer'd, You are miſtaken, a great many of your Friends are now come over to us; and they urged it ſtill more, and at laſt they ſaid they had had ſeveral Letters about it. I muſt confeſs I made anſwer, I know not whether you have had any Letter, I never had any: But I muſt needs ſay, if I had no other reaſon I ſhould not ſign this Report, for I think I ought not to be directed by any private Member of the Houſe of Commons, and that no Letter ſhould prevail with me to do it; I am loth to name any one.

Mr. *Speaker.* The Houſe expects it.

Sir *F. Brewſter.* I think they nam'd Mr. *Harcourt.*

Mr. *Speaker.* Who nam'd him?

Sir *F. Brewſter.* Mr. *Anneſly.* He did not ſay in his Letter particularly, but did ſay ſomething to that purpoſe, that if we did not report the private Eſtate we had as good do nothing; and he ſaid it was ſo in the Letter.

Mr. *Speaker.* Was you at Mr. *Trenchard*'s Chamber the firſt Night that he was not at the Commiſſion, the Night before he was brought thither?

Sir *F. Brewſter.* No, Sir, I was not.

Mr. *Speaker.* Mr. *Anneſly,* If you pleaſe to give an Account of what you know of this Matter: you hear to what the Houſe hath a mind to be inform'd; 'tis as to the Diſcourſe that happen'd amongſt you the Commiſſioners the two days you differ'd in Opinion concerning the inſerting of this Grant into your Report, and particularly as to the Words ſpoken by Mr. *Hamilton,* or what elſe you heard then.

Mr. Anneſly's *Account of what paſs'd in their Debates.*

Mr. *Anneſly.* Truly, Mr. *Speaker,* I never expected to have been call'd to an Account for any thing that was ſaid among the Commiſſioners in *Ireland* upon their Debates, or that any Gentleman in Commiſſion with us would have acted ſuch a Part here; otherwiſe I ſhould have been more obſervant thereof. But the particular Expreſſions which ſome of us are charged with by the Evidence now given, are of ſo extraordinary a Nature, that I could not eaſily have forgotten them; Flying in the Face of the King, is ſo great a Reflection, and ſo fooliſh an Expreſſion, that I think I could not have paſs'd it by without the Cenſure it deſerv'd. Sir, I do affirm to you upon my Reputation, my Credit, and all that is dear to me, that I never heard the leaſt Reflection upon the King by any of the Commiſſioners, either in their Debates or otherwiſe, in execution of their Authority.

When I had the Honour to be appointed by you one of your Commiſſion, I naturally reflected upon the Part I was to act in it, the many Enemies I muſt in likelihood create upon a faithful diſcharge of my Duty, as well amongſt Men in Power, the Grantees, as the Purchaſers, and others claiming under them; of which I had ſome knowledg, having been formerly in *Ireland.* However, I was reſolv'd upon a very ſhort notice, not only to ſubject my own private Concerns to Diſappointments, but to diſpoſe of other mens Buſineſs, with which in the way of my Profeſſion I was intruſted, to their beſt Advantage in my abſence.

In diſcharge whereof I did act (and I hope it will appear I did ſo) with all imaginable Integrity. And it will be my hard Fortune, if after ſuch my Endeavours I ſhould fall under your Diſpleaſure.

And as to what is alledg'd with reſpect to Mr. *Harcourt,* I do not remember that I ever mention'd his Name upon any Debate at our Board, whereby to influence any Man in his Judgment; nor indeed upon any other account except in private Converſation, by drinking his Health, and by expreſſing my ſelf with that Gratitude which became me towards one whom I had receiv'd particular Obligations from, and deſerv'd well from me.

Receives a Letter from Mr. Harcourt.

I never had any Letter from Mr. *Harcourt* that took the leaſt notice of the private Eſtate, nor indeed that related to the Execution of our Commiſſion, except in one Letter he ſaid I might eaſily imagine with what pleaſure he heard of the Succeſs of our Labours, and that he was glad to find by the Account I gave him, that the Forfeitures were likely to anſwer the End for which we were ſent over, and that was the only Letter I receiv'd from him during my ſtay in *Ireland.*

Hearing abroad of ſuch a Letter being mention'd in the Houſe, I look'd all the Letters I receiv'd from any of the Gentlemen of this Houſe during my ſtay in *Ireland*; but I own I am very unwilling to produce the Letters of any Perſon who favour'd me with his Correſpondence, and do hope I ſhall not be oblig'd to it.

Mr. *Speaker*. For that you will have the further pleaſure of the Houſe; but do you ſay you never heard of thoſe words of flying in the King's Face, or that your Commiſſion did fly in the King's Face?

Denies to hear the words that Sir R. L. *reported.*

Mr. *Anneſly*. From the time we firſt began to execute our Commiſſion, till our Power was determin'd, I never was abſent one hour, I think I may ſay one moment from Buſineſs; and I aſſure you I never heard thoſe words, nor any thing like them, fall from any one of the Commiſſioners. As to the Debate among the Commiſſioners about returning the private Eſtate, ſome hot words did paſs, and I will take notice to you (if you pleaſe) of ſome of them.

The Gentleman on my left hand did give very abuſive Language to one of the other Commiſſioners.

Mr. *Speaker*. To whom?

Mr. *Anneſly*. To Mr. *Trenchard*.

Another of the Commiſſioners ſaid, he would battle it with us at the Bar of the Houſe of Commons.

Mr. *Speaker*. Who was that?

Mr. *Anneſly*. That was my Lord *Drogheda*. Says Sir *Francis Brewſter*, I have as good Friends as you, meaning Mr. *Trenchard*, and we ſhall be as well heard there as you. Mr. *Trenchard* anſwer'd, I don't fear what you can do, if you won't be an Evidence againſt me: The ill Language Sir *Francis* gave forced that Expreſſion from him; the Reſentments were high, and the reſt of the Commiſſioners then preſent endeavour'd to pacify and make them Friends. I own I then little ſuſpected that Sir *Francis*, who took the Expreſſion ſo ill, would have made good Mr. *Trenchard*'s words at this Bar; if I had, I ſhould have taken more notice of what paſſed. There might be ſome other Particulars that Sir *Francis Brewſter* has charg'd us with, which I may have omitted anſwering; if you pleaſe, Sir, to remind me of them, I will give them the beſt Anſwer I can.

Mr. *Speaker*. Mr. *Trenchard*, if you pleaſe to give the Houſe an Account of what you know of this Matter.

Mr. Trenchard's *Account of thoſe Debates about the Grants.*

Mr. *Trenchard*. I was preſent at the Debate about the private Eſtate, which was managed with great warmth, and much ſaid on both ſides; but I do not remember one word which this Gentleman ſpeaks of that was directly ſo ſaid; I do own there were ſome words that might give umbrage to this Accuſation with thoſe that were reſolv'd to miſunderſtand them. The Occaſion was this: My Lord *Drogheda*, as I remember, or Sir *Richard Leving* ſaid, it would be flying in the King's Face to report this Grant: Upon which one of the Commiſſioners reply'd; My Lord, We have heard too much of this Argument already, and 'tis time to have done with it; we were not ſent here to flatter, and if the enquiring into the Miſmanagement of the Forfeitures be a flying in the King's Face, then our whole Commiſſion is a flying in his Face. 'Tis not diſhonouring but vindicating his Majeſty, to ſhew he has been abus'd by Ill Men; and I doubt not but he will deſert them when he has diſcover'd it, as the beſt and wiſeſt Princes in all Ages have done. More than this I do affirm, upon the Reputation of a Gentleman, and the Word of an honeſt Man, was not ſaid whilſt I was at the Board.

Mr. *Speaker*. Who ſaid the Words you have repeated?

Mr. *Trenchard*. 'Twas I, Sir.

Mr. Hamilton *vindicated.*

Mr. *Speaker*. You don't remember that Mr. *Hamilton* ſaid any thing as to the flying in the King's Face?

Mr. *Trenchard*. I do affirm that Mr. *Hamilton*, to the beſt of my memory (and I think I could not miſtake it) did not ſay any words relating to that Matter, more than that ſince we had enquired into the private Eſtate, and it was known in both *England* and *Ireland*, we ſhould be thought bribed and corrupt if we did not report it: But I am very ſure he ſaid no words diſhonourable of his Majeſty; and if he had, I would have reſented it at that time, as I ſuppoſe theſe Gentlemen would have done, and call'd upon others to have taken notice of it.

Mr. *Speaker*. What words did you hear ſaid in your Chamber?

Mr. *Trenchard*. A great part of the time I was in that Kingdom, I was confin'd to my Chamber being ſick, which I impute in a great meaſure to the fatigue of our Com-

Commiſſion, during which time I had the Favour to be viſited ſometimes with ten or a dozen in an Evening, ſometimes twice the number of the People of the beſt Faſhion in that Country, and amongſt the reſt, my own Brethren often oblig'd me with their Company; without doubt in this time many Subjects were diſcours'd of, but the Particulars of any one Diſcourſe I do not remember. I never treaſure up what is ſaid in private Converſation, and if I did, I ſcorn to tell it.

Mr. *Speaker*. Mr. *Langford*, you hear what the Gentlemen have given an account of, 'tis of what paſſed between you about putting the private Eſtate into the Report, and whether upon my Lord *Drogheda*'s ſaying it would be a flying in the King's Face, Mr. *Hamilton* anſwer'd, Our Commiſſion flies in the King's Face.

Mr. Langford's *Account of the Debates.*

Mr. *Langford*. I was preſent when this Debate happen'd about the private Eſtate, and it was with a great deal of heat. It was objected by my Lord *Drogheda*, that it would be a flying in the King's Face to report the private Eſtate, and was not in our Commiſſion. It was anſwer'd by Mr. *Trenchard*, we had that too often mention'd, to put us by the Execution of this Commiſſion; that we did not think the diſcovering Abuſes, a flying in the King's Face; but that on the contrary, we ſhould do Service to his Majeſty to lay the Matter before him, that he might ſee how the Grants were diſpos'd of, and how he was deceiv'd in them: and he thought it was alſo neceſſary that both this Houſe and the Kingdom ſhould know it.

Mr. *Speaker*. What did Mr. *Hamilton* ſay?

Mr. *Langford*. I did not hear Mr. *Hamilton* ſpeak one word relating to the King, on this Point.

Mr. *Speaker*. Do you know of any Letters from Members of this Houſe?

Mr. *Langford*. No, Sir, I had not the Honour to be acquainted with many Members; I had no Letter my ſelf, nor did I ſee any.

Mr. *Speaker*. You are accus'd about words of your own.

Members. Do not ask him to that.

Mr. *Speaker*. Mr. *Hooper*, You hear to what purpoſe you are call'd in.

Mr. Hooper's *Account of thoſe Debates.*

Mr. *Hooper*. Yes, I do, the whole Matter ſeems ſtrange to me; I have not been abſent from the Board, except when I was ſick at *Limerick*, one hour during the whole Execution of this Commiſſion: Nor did I hear one word ſpoken reflecting upon his Majeſty, unleſs the Inſinuation, that doing our Duty would be flying in the King's Face, which I think was a great Reflection upon him; and I think Mr. *Trenchard* has very well repeated his own Words. I am ſure in ſubſtance they are the ſame. I am confident there was no Letter produc'd whilſt I was at the Board, from any Member: and I believe by what Converſation I had with the four Commiſſioners, they never had any but what was fit to be produc'd; and for the Subſtance of what Mr. *Anneſly* and Mr. *Trenchard* have ſaid, I know it to be true. I never heard Mr. *Hamilton* ſpeak but with great Honour of the King, and I do poſitively aſſert, to the beſt of my Memory, he never ſaid any ſuch thing, as is alledg'd againſt him, at the Board. I am confident I was preſent at all the Debates about the private Eſtate, and do remember the three diſſenting Commiſſioners did immediately declare themſelves againſt the Inſerting it in the Report; three others that are preſent did as readily declare for it: ſo that Mr. *Hamilton* being in a manner ſolely left to determine this matter, complain'd that it was a great Hardſhip upon him; for, ſays he, my Lord *Ork—y* is my Relation and my Friend, and beſides I am a Tenant to the private Eſtate, and 'tis very ſevere that the Deciſion of this matter ſhould lie upon me. He added, he ſhould be very well pleas'd if the Objection had been made ſooner, and perhaps it might have had more Weight with him; and truly, Mr. *Speaker*, it did not appear that there was one of the Commiſſioners for above five Months, but ſeem'd to be peremptory for the reporting it, and accordingly Sir *Richard Leving*, and Sir *Francis Brewſter*, join'd in the Examination of many Witneſſes to the Value of it at *Limerick*, and other places, till about five days before the Power of the Commiſſion ceas'd, when I mov'd the Board that I might have ſome Direction about that Eſtate; and they made an Order that I ſhould immediately prepare the Report, and put this in it. And Mr. *Hamilton* gave this reaſon when he join'd with the Commiſſioners, We have made ſo great a noiſe about this Eſtate, by examining ſo many People to the Value, and ſending for the Rent Rolls of it, that it is now the publick Diſcourſe that it will be reported; and I know the World muſt needs ſay that we are brib'd and corrupted if we do it not: if it was poſſible, I ſhould be glad to be excus'd; but I will rather loſe my Friend, I will rather loſe my little Eſtate, than be thought guilty of

Bribery and Corruption, and ſo gave his Conſent to the reporting of it. And for the words relating to flying in the King's Face, I affirm they are falſe.

Sir Fr. Brewſter's *further Account.*

Sir *Francis Brewſter*. I deſire to ſpeak a few Words: You were pleas'd to ask me to give an Account of what paſs'd about the Words, flying in the King's Face, and I find the Houſe expects I ſhould give an Account of the whole that paſs'd then: and I beg leave to ſay farther, that when the Debate was about the private Eſtate, and thoſe Words were ſaid, about flying in the King's Face, which my Lord *Drogheda*, and others will take their Oaths of, and I believe Mr. *Hamilton* will not deny; at the ſame time this was ſaid by Mr. *Trenchard*, I hear you talk of flying in the King's Face, I hope 'tis not flying in his Face; but this I muſt tell you, 'tis a villanous Grant, and ought to be expos'd. Upon his ſpeaking ſo, words aroſe, and that Gentleman gave me ill Language; but my Language was not ſo bad, but he was forc'd to beg my Pardon at the Board, and I did not his; there he ſtands, let him deny it if he can.

Mr. Trenchard's *Vindication of himſelf.*

Mr. *Trenchard*. Sir, it is true, I did ask his Pardon, and the Occaſion was this, as Mr. *Anneſly* has acquainted you: I was provok'd by his opprobrious Language to reply, I fear'd him in no Capacity but as an Evidence, which he took very heinouſly: he repeated the word *Evidence*; he ſaid 'twas below a Gentleman, below a Man of Honour, that ſuch a one ought to be ſhun'd by all civil Converſation, that I had better have ſtuck a Dagger in his Heart, than have call'd him an Evidence; which now I think, Mr. *Speaker*, he won't reſent ſo highly. This put the Board in great Diſorder, and one of the Commiſſioners whiſper'd to me (I think it was the abſent Member, but I am ſure all agreed in it) you know he is a very ſimple old Fellow; and tho he gave the Affront, you are in the wrong that you are capable of being angry with him. Truly, Sir, I was conſcious to my ſelf that I was much to blame, to ſuffer my ſelf to be provok'd by him; and therefore, that the Debate might be interrupted no longer, I ask'd his Pardon. As to the other part I am charg'd with, that I call'd the Grant of the private Eſtate a villanous Grant, I directly deny it. 'Twas poſſible I might ſay 'twas an extravagant Grant, an unreaſonable Grant, an unconſcionable Grant, that the King was impos'd upon and deceiv'd in this Grant, to give that for 5000 *l. per an.* which is worth between five & ſix & twenty thouſand. Theſe are words that amount to it, and might fall from me, but that I us'd the word *villanous* I poſitively deny; 'tis a word I don't uſe in my ordinary Converſation, a word that never comes out of the Mouth of a Gentleman, and is falſe.

Mr. *Speaker*. Mr. *Anneſly*, 'Tis underſtood that you receiv'd a Letter from a worthy Member of this Houſe, Mr. *Moore*, and I think you told us that you had that Letter, and all other Letters that you had receiv'd from any Members; I know not whether the Houſe will order the reſt, but that worthy Member deſires that his Letter may be produc'd if you have it.

Mr. *Anneſly*. Mr. *Moore* has deſir'd it, has he?

Mr. *Harçourt*. I deſire mine too.

Mr. *Speaker*. Mr. *Harcourt* would have his too.

Mr. *Anneſly*. It is with great Regret that I bring the Letters of Gentlemen here, eſpecially thoſe I receiv'd from any of the Members of this Houſe, who did me the Honour to correſpond with me at that time; tho I think there is nothing written in them that any Man need decline owning. And therefore, I think it will be more for their Service to ſhew them, leſt they may be ſuſpected for what they don't deſerve: If this Houſe obliges me to lay them all before them, I muſt ſubmit.

Members. No, no.

Mr. *Speaker*. But that Gentleman deſires you to produce his.

And Mr. *Harcourt* alſo deſires his.

Mr. *Anneſly*. I have but four in my Hand, one from Mr. *Moore*, one from Mr. *Harcourt*, the reſt are from Mr. *Sloane*.

Mr. *Sloane*. I deſire he will produce mine too.

Mr. *Speaker*. I think you nam'd but three, Mr. *Sloane* deſires his too.

Mr. *Anneſly*. There are two from Mr. *Sloane*, one from Mr. *Harcourt*, and the other from Mr. *Moore*.

Which Letters Mr. *Anneſly* deliver'd in to the Clerk.

Mr. *Anneſly*. I think it my Duty to ſay ſomething for Mr. *Hamilton* who is abſent, and that is to aſſure you that I never heard any Words fall from him that were unbecoming a Gentleman fit to be intruſted by you in this Commiſſion; and as for that which is ſaid of Mr. *Trenchard*, 'tis falſe as to my hearing of it: I was preſent at all the Debates, and I do not remember the leaſt thing that ever came from him, reflect-

reflecting upon the King or his Grants, in the whole courſe of our Converſation, otherwiſe than as he has told you himſelf.

January 15.

A Motion being made, that the four Commiſſioners for *Iriſh* Forfeitures, who ſign'd the Report preſented to this Houſe, have acquitted themſelves in the Execution of that Commiſſion with Underſtanding and Integrity; and a Debate ariſing thereupon,

Reſolv'd, That the Debate be adjourn'd till to morrow 12 a Clock.

Order'd, That all the Commiſſioners for *Iriſh* Forfeitures who are in Town, and their Secretary, do attend the Houſe to morrow at 12 a Clock.

January 16.

The Houſe reſum'd the Debate of Yeſterday, and Sir *Richard Leving* was call'd in and examin'd, and then withdrew.

Then Sir *Francis Brewſter*, Mr. *Anneſly*, Mr. *Trenchard*, Mr. *Langford*, and Mr. *Hooper* were call'd in and examin'd, and then withdrew.

There having been divers groundleſs and ſcandalous Aſperſions, caſt upon *Francis Anneſly*, *John Trenchard*, *James Hamilton*, and *Henry Langford*, Eſquires, four of the Commiſſioners for the *Iriſh* Forfeitures;

Reſolv'd, That the ſaid four Commiſſioners have acquitted themſelves in the Execution of that Commiſſion, with Underſtanding, Courage, and Integrity.

Reſolv'd, That Sir *Richard Leving*, one other of the ſaid Commiſſioners, has been the Author of the ſaid groundleſs and ſcandalous Reports, upon the four Commiſſioners before mention'd.

Reſolv'd, That the ſaid Sir *Richard Leving* be committed Priſoner to the Tower of *London*, for the ſaid Offence.

And he was committed accordingly.

JUS REGIUM:

OR,

The King's Right to grant Forfeitures, and other Revenues of the Crown, fully ſet forth and trac'd from the beginning.

His Majeſty vindicated as to his Promiſe concerning his Diſpoſal of the Forfeited Eſtates.

The manifold Hardſhips of the Reſumption, and the little Advantage we ſhall reap by it, plainly demonſtrated. Printed in 1701.

OF *Timoleon* the *Corinthian* we are (*a*) told, that when *Demenætus* a petulent and ungrateful Wretch, inveigh'd againſt him in the Publick Aſſembly at *Syracuſe*, he only ſaid, 'That he had now at length obtain'd his wiſh, for 'that he had always pray'd that the People of *Syracuſe* might be brought to ſuch a *The noble Saying of* Timoleon *of* Corinth.

(*a*) Cornel. Nep. in vita Timoleon.

'ſtate

'ſtate of Freedom, that any one might with impunity ſpeak whatever he pleas'd of 'another. This Saying perhaps well enough became him, who had deliver'd his own native Country from the Yoke of Tyranny, and the People of *Syracuſe*, to whoſe Aid he was ſent, from inveterate Servitude. Some of them, truly ſenſible of the Obligations they ow'd their Deliverer, would have reſented this, as the Hiſtorian tells us they did the like Treatment of another ungrateful Perſon, had not *Timoleon* in his great Moderation prevented it. He thought it decent in him to act agreeably to his own Principles, and to take care leſt by his Overforwardneſs to puniſh, he might give a Check to that Liberty which he made it his Buſineſs to eſtabliſh in the World.

There have been others who have ſpoken in much the ſame ſtrain, and ſome whoſe Moderation we have more reaſon to admire, when we conſider the Greatneſs of their Power. *Auguſtus Cæſar*, whenever any one told him that his own Perſon, and his Edicts were too boldly ſpoken of in *Rome*, us'd to ſay, *That* (*a*) *in a free City the Citizens Diſcourſe ought alſo to be free.* *Thuanus* writing to the Great *Hen.* IV. of *France*, among other Encomiums tells (*b*) him, *That 'twas the rare Happineſs of his times, that in them every one might think as he pleas'd, and ſpeak what he thought.*

Henry IV. of France allow'd of Freedom of Speech.

That Freedom which theſe great Princes pretended to allow without the leaſt Check or Controul, was never indulg'd in a higher degree than here among us. An Hiſtorian (*c*) of our Age has given us ſome little Idea of our Condition, when he 'thanks God for this great Bleſſing to us, that we live in a time when we may not 'only think or ſpeak, but alſo ſafely write what we believe to be the Truth, to 'which all Mankind do owe Allegiance. We may indeed ſpeak and write what we believe to be Truth, but all Men will not keep within this Boundary; there are ſome modern Precedents, which we cannot copy after, unleſs we will forget more than the Allegiance which we owe to Truth.

Liberty turn'd into Licentiouſneſs by ſome.

Tho Liberty be one of the greateſt Bleſſings Men can enjoy, yet when I conſider how licentious, in ſome Inſtances, it has been among us; what extravagant Sallies it has made beyond the Bounds of its own Franchiſes; and how injuriouſly and inſolently free it has been with Truth, with Juſtice, and Majeſty; in this extravagant (and I may ſay, too deſigning) exerciſe of it, I dare not call it a Happineſs of the times wherein we live. Indeed if Men were influenc'd only by Principles of Virtue; if they embrac'd Truth in the love of it; if free from any Biaſs of evil Parties, or Self-Intereſt, they aim'd at promoting Juſtice and the Publick Good, 'twere no matter how great Freedom they us'd in their Diſcourſe and Writings. Men of ſuch ſincere and uncorrupt Affections, wou'd frequently be very uſeful Monitors to our Legiſlature: and 'twou'd be otherwiſe of great Advantage to the Publick, that they thus us'd a Freedom in repreſenting what they thought amiſs.

But a Commonwealth may be ſo diſtemper'd with evil Humours, it may be under the Influence of untoward and dangerous Affections, that may render ſuch a Freedom altogether inconſiſtent with its Happineſs and Tranquillity. It may not, perhaps, be very improper here, or foreign to the Deſign of this Diſcourſe, to mention ſome Inſtances which have been deliver'd by others, particularly by the Author of *The Eſſay on Ways and Means*: 'When (*d*) a Country generally deprav'd in 'its Manners (*ſays he*) comes to have upon the Throne a virtuous Prince, with 'what Difficulties muſt he labour the Publick Good, among a People fantaſtical, 'conceited, greedy, proud, deſigning, ambitious and mercenary! ſuch a King 'when he contemplates in his high Wiſdom, all their natural and acquir'd Vices, 'muſt hardly think them worth the ruling: Such a Country may have a Hero come 'over to ſecure their Religion and Civil Rights, which were invaded, and to arm 'them againſt an Enemy, whoſe Power threatned to enſlave *Europe*; yet he may 'meet with but few to imitate and aſſiſt his Virtues: and tho his Ends were the 'ſame with thoſe of *Dion*, who came from *Athens* to reſtore the *Sicilians* to their 'Freedom; yet like *Dion* he may find the leading Men bury'd in their Vices, fitter 'Inſtruments of a Tyranny, than for the Sway of a good Prince, not thankful for 'his Benefits, nor capable of Liberty.

Dr. Davenant's opinion of a depraved Country.

(*a*) Boterus de Politica, *l.* 7. *c.* 8.
(*b*) Thuani Epiſt. ad Hen. 4. ante Hiſtoriam.
(*c*) Tyrrel's *General Hiſtory*, Introduct. *p.* 128.
(*d*) Vid. *Diſcourſes on the Publick Revennes and Trade of* England. Part II. *p.* 310.

What

What Country, what Prince that Author here points at, it concerns not me to enquire. In ſuch a Country, whatever it be, where the Peoples natural and acquired Vices are ſo great, that the Prince muſt hardly think them worth the ruling; where he has ſecur'd their Religion and Civil Rights, and yet they are not thankful for his Benefits, nor capable of Liberty: There I think extravagant Liberty, eſpecially if it ſhould make bold with that Prince himſelf, is not only highly diſhonourable, but likewiſe extremely dangerous to that Country; and it muſt be own'd, that 'tis with very great Difficulties he is to labour the Publick Good, where they are greedy, proud, deſigning, ambitious, and mercenary: Where there are greedy and factious Subjects ready to ſell, their Prince muſt be hard put to it to ſecure the Liberties of the Country.

An ungrateful Country for their Deliverance.

Quis tulerit Gracchos de ſeditione querentes?

In another place the ſame Gentleman ſpeaks (*a*) of Abuſes in National Aſſemblies, and their long Seſſions. He tells us, 'That 'tis in thoſe continued Seſſions, 'where the Skill is learn'd of Guiding, and being guided; where the Youth is de-'prav'd, and elder Sinners harden'd; where thoſe Parties are form'd, that give 'the cunning Speakers ſo much weight and value, and where they can bring their 'Subtilty and Eloquence to Market. Afterwards (*b*) ſpeaking of the Advantage of Eloquence in popular States, he ſays, 'That if it happen into Hands not in-'tirely virtuous, it is a Tool with which great Miſchief may be wrought: for 'thereby *Sylla*, *Craſſus*, *Pompey*, and *Ceſar* crept firſt into the Power which over-'threw the Roman Liberty.

Abuſes in National Aſſemblies.

Wherever corrupt Orators grow into ſuch an Intereſt and Reputation as this, the Clamours they raiſe in National Aſſemblies, the over-great Freedom of their warm and bold Speeches may be very fatal to the Publick. This is eaſily imagin'd, when we conſider, that the worſt Men are moſt forward in Factions, and the greateſt Boutefeus moſt honour'd by their reſpective contending Parties.

Corrupt Orators in Publick Aſſemblies.

Ἐντε δικασίῃ καὶ ὁ πάγκακος ἔμμορε τιμῆς.

Nothing therefore ought to be more the care of good Patriots, than to keep them as low in Reputation as they can: 'For (ſays (*c*) my Author) nothing can 'ſooner haſten the ruin of a Country, than to have Men lifted high in the Opinions 'of the People, follow'd and truſted, in whom their Vices are much more pre-'vailing than their Virtues. It muſt needs be ſo, if (as I think he would be underſtood) that generally be true, which, in another (*d*) of his Diſcourſes, he ſpeaks of ſome *Popular Governments*, 'That they choſe for their mutual Strivings, 'for ſetting afoot Factions and dangerous Brigues, times of the profoundeſt Peace; 'and at ſuch Seaſons, Men grown popular by wicked Arts, ambitious Pretenders, 'light Orators, the worſt ſort of Citizens had the moſt Sway and Authority among 'the People. If theſe Factions ſpring from private Intereſt, (as he tells us in another (*e*) place) 'The deſire of having more, and not the fear of loſing what 'they poſſeſs, lies at the bottom of moſt diſaffections to Government.

In this Opinion he is not ſingular, for a very honourable Perſon (*f*) tells us, 'That Parties in a State generally like Free-booters hang out falſe Colours; the 'Pretence is Publick Good, the real Buſineſs is to catch Prizes.

If ſome of theſe are embark'd in a Cauſe where their manifeſt Intereſt lies in ſubverting the Government under which they live; 'tis the Buſineſs of ſuch Partizans, by fomenting Factions, by being clamorous and turbulent, and free in cenſuring Publick Adminiſtration, to open all the Avenues they can to Sedition. This is what they moſt aim at; and 'tis the natural Effect of that Liberty they take: for the Lord (*g*) *Bacon* tells us, 'That Libels and licentious Diſcourſes againſt the 'State, when they are frequent and open; and in like ſort falſe News, often run-'ning up and down to the diſadvantage of the State, and haſtily embrac'd, are a-

The Deſigns of corrupt Men.

Ld Bacon's Opinion about Libellers of the Government.

(*a*) *Diſcourſe on the Publick Revenues and Trade of* England, Part II. p. 292.
(*b*) Ibid. p. 302.
(*c*) Ibid. p. 303.
(*d*) *Diſcourſe upon Grants and Reſumptions*, p. 14.
(*e*) *Diſcourſe of Trade*, Part I. p. 83.
(*f*) *Lord Marquis of* Hallifax *his Political Maxims.*
(*g*) *Eſſay of Seditions and Troubles.*

'mongſt

'mongſt the Signs of Troubles. Seditious Tumults, and ſeditious Fames (*ſays he*) 'differ no more than as Brother and Siſter, *Maſculine* and *Feminine*; eſpecially if 'it come to that, that the beſt Actions of a State, and the moſt plauſible, and 'which ought to give the greateſt Contentment, are taken in ill ſenſe and tra-'duc'd: for that (ſays *Tacitus*) ſhews the Envy great. It either ſhews that, or gives great cauſe to ſuſpect that the turbulent Mutineers in raiſing Clamours thus, are rather acting for Pay that they have taken, than promoting the Publick Good.

A Man may take a great deal of pains in looking into the Records of former Times, before perhaps he may diſcover a more pregnant Inſtance of the evil Influence of Faction, of the unhandſom and dangerous Slurs, and Impoſitions on the belief of Men, by Fames diſingenuouſly ſpread abroad, by licentious Diſcourſes and falſe Suggeſtions, than what is plain and notorious in the Matter of the *Iriſh* Forfeitures.

The Caſe of the Iriſh Forfeitures the Subject of Libels.

A great deal of Care has been taken by thoſe Incendiaries, whoſe Harveſt is to ſpring out of the Seeds of Diſſenſion and Sedition, which they have ſown among us, to make People believe that the King has been injurious to his Subjects, in granting thoſe Forfeited Eſtates to a few, which the Community had a juſt Right to, to defray the Charge of the War; that tho the Repreſentatives of the People put in their Claim to them, yet he granted them away, notwithſtanding his ſolemn Engagements to the contrary.

The true State of the Caſe.

This Perſuaſion has been propagated with ſo much ſucceſs, that I may venture to call it a generally receiv'd Opinion. Were it only embrac'd by thoſe who have their Ears open to receive, and their Tongues ready and looſe to echo again every thing that is ſpoken to the diſadvantage of the Government, 'twould not be worth a Man's while to take any pains to undeceive them: But the Opinion has ſpread farther, it has been receiv'd by great Multitudes, who neither are poiſon'd by the Venom of the malignant and diſaffected, nor impatient of the eaſe and tranquillity we enjoy. I wiſh thoſe Perſons would conſider how unjuſt it is, over haſtily to imbrace and ſpread abroad a Report, wherein the Fame and Intereſt of any private Man is concern'd; but in their eaſy credulity in this Particular, they do not only forget the Allegiance they owe to Truth, but are likewiſe very unjuſt to the King, and forgetful of the Regard which is due to the Injunctions of their honourable Repreſentatives in Parliament.

The Houſe of Commons in ordering the King's Speech on the 5*th* day of *January* 1690. to be printed, took a very proper Courſe to prevent (what they might eaſily foreſee would happen from the Tranſactions at that Time) all Reflections of this kind on his Majeſty's Honour: for whoſoever reads that Speech, without any prejudice or biaſs on his Will, muſt own that there is not the leaſt ground for the malicious ſlander that has been rais'd of his Majeſty's breaking his Word; but of this in another place.

Reflections on the Prince are injurious to his whole People.

There is no readier way that deſigning People can take to ſhake the Pillars of Government, than to deſtroy the Reverence of it: And what can do this more effectually, than by bringing the Prince under the diſadvantageous Reflections of being injurious to his whole People for the ſake of a few, and violating the Faith of Promiſes upon their account?

Thoſe ſanguine People, I know, whoſe natural Conſtitutions are ſuch as will not eaſily receive the Impreſſions of Fear or Danger, will ſay that theſe are ill-grounded Suſpicions, Dreams of the Timorous and Melancholy, who are too apt to be afraid where no fear is. The ſober and thinking part of Mankind will, I believe, be of another Opinion, when they conſider how poſſible it is, that what I here complain of, may in proceſs of time be the occaſion of the worſt Evils imaginable to this Kingdom.

'Twill be needleſs that I here explain my ſelf: I ſhall only ask theſe two Queſtions.

Firſt, Whether it be not the Glory and Reputation of the Prince to which States owe their Alliance abroad, and the Strength and Perpetuity of thoſe Treaties wherein their Safety conſiſts?

Secondly, Whether it ben't poſſible that a People, by their Behaviour to their Sovereign, may tempt a Foreign State (eſpecially if another great Temptation ſhould fall in the way) to diſregard Treaties and ſolemn Engagements; and to take Meaſures that have all the appearance of Danger and Miſchief to that People? This Encouragement we may eaſily imagine may be taken abroad, when we conſider what Confidence, what Spirit it has given to the Enemies of our Peace at home.

'Tis

'Tis notorious what Liberty thoſe People of late have taken in their Diſcourſe, who make uſe of all their Rhetorick and Cunning to reconcile others to that Intereſt, which can't be ſettled here, but with the ſubverſion of our Religion, Laws and Liberties. To favour their Deſigns, great Numbers of Auxiliaries have come in from abroad: Thoſe Popiſh Emiſſaries I mean, who have appear'd ſo openly, and with ſuch Confidence in their Cauſe, that ſome of them have been taken and convicted. It muſt be a great Proſpect that muſt make them ſo hardy, as to dare the Severity of our Laws, to expoſe themſelves to ſuch Hazards, and run the riſque of being diſcover'd in a Country where there ſeems to be ſo little covert for them. The Caſe being thus in *England*, 'tis not to be wonder'd, that (as I am very well inform'd) they flock in great Numbers into *Ireland*, where they are more eaſily ſhelter'd from the Rigour of the Laws in the great croud of People there, who are of the ſame Faith, and ingag'd in the ſame Intereſt and Deſigns with them.

Endeavours to reconcile Men to the Jacobite Intereſt.

A Man may, by taking a very ſhort view of our Affairs, eaſily perceive, what 'tis that has given Life to a forlorn and deſperate Cauſe; and encourag'd theſe People to entertain hopes of ſubverting our State, which we all thought his Majeſty, by a glorious and honourable Peace, had ſettled upon a ſtrong and laſting Foundation. Had the Laſt Will of a late neighbouring Monarch been prior to the Inſolences I complain of, People would have look'd no farther; but would have call'd this alone the Sheet-Anchor of the Male-contents at home, and their Allies abroad: And not without reaſon; for what could give them more hopes than an Act, which if it take place muſt miſerably break the Ballance of *Europe*, and at one ſtroke undo all that in the courſe of a long War we have with much Blood and Treaſure atchiev'd? The Evils I now ſpeak of had another Original, and ſuch as might perhaps give birth to this very Bequeſt.

What has given Encouragement to that Party.

Some honeſt and good Subjects, who are jealous of every thing that in the leaſt derogates from his Majeſty's Glory and Reputation abroad, think nothing had a greater part in them than the breaking of the Army after the manner it was done. So far, I confeſs, I muſt be of their Opinion as to own, That 'tis poſſible it might have been the Cauſe of very fatal Reſolutions in neighbouring Kingdoms, if they put the worſt Conſtruction on it, and never conſider'd that the Genius of this Nation is averſe to a Standing Army; that our Conſtitution, and one Article in our Bill of Rights is againſt it; and that the States of this Kingdom will ſpare no Coſt on Sea or Land-Forces, whenever there is occaſion, to vindicate the King's Honour, and to act the old Glorious part they have a long time had in keeping the Ballance of *Europe*. Had Foreign States well conſider'd how honourably the States of this Kingdom acquitted themſelves very lately; what vaſt Sums of Mony they rais'd, and with what Vigour they carry'd on a great and expenſive War, without ever expreſſing their Inclinations to a Peace; they would have had but little reaſon for making this Act for reducing the Army, an occaſion of taking Meaſures and Reſolutions, which they otherwiſe would not have done.

Disbanding the Army may be of fatal Conſequence.

But be the Influence of that what it will, 'tis ſure there was another plain and viſible Cauſe, from which theſe Misfortunes might ſpring: and as ſure it is, that our diſaffected Partizans, and the Popiſh Emiſſaries their Complices, whoſe Zeal for the Cauſe has of late been warmer than ordinary, have built their great Expectations on that Wound, which they themſelves have made in the King's Honour. This Mr. *Charnock*'s Letter in ſome meaſure ſhews, as far, I mean, as the Meaſures and Deſigns of a Party may be gather'd from the contrivance and reaſoning of a leading Man in a Faction, in which the principal Members at leaſt are obſerv'd generally to agree in their Sentiments. Whether that villanous Letter was written by the Perſon whoſe Name it bears, or by what other conſiderable Ruffian, who would perſuade the Aſſaſſins of his Party to commit that horrid and execrable Treaſon he undertook, 'tis needleſs here to enquire, for that will ſignify nothing as to the uſe I here make of it. 'Tis pretended to be writ by him after his Condemnation, to a Friend, *in confidence of his Friendſhip and Diſcretion, that he will not divulge what he writes, but in a proper ſeaſon*, [That is, when their Friends, by their great diligence and aſſiduity, and leaving no Stone unturn'd to ſerve their Cauſe, by ſpreading Rumors, and raiſing malicious Slanders, by putting the worſt interpretation on all the Actions of the King and his Miniſters, by complaining loudly of the Injuries done to the Publick, and managing ſo as to draw crafty and ambitious Men, who love themſelves, and even People of leſs craft but more love for their Country, into their Party, ſhould be able to change the Seaſon, and make it more favourable and proper for their Deſigns] *When the Minds of Men, grown more calm, ſhould be more ſuſ-*

Mr. Charnock's Letter ſpeaks the Mind of the Party.

The Directions about the time of publiſhing it.

ceptible of Reaſon, [when by managing thus, and traducing the State, they ſhould alter the Affections of People, and not only make 'em abate of that warm Zeal with which they then ſupported the Government, but bring 'em to ſuch a Temper, as to make them own that there was a good Reaſon for all their Calumnies;] *and when it may be done without drawing more Perſecution upon thoſe honeſt Men who lie under the jealouſy and ſuſpicion of the preſent Government,* [that is, when they had ſo far deſtroy'd the Reverence of Government, as that Plotters, who were then under great Diſcouragements, might ſtrengthen their Intereſt ſo, by running in with the clamorous and diſcontented, and ſetting up the cry with them, as to hope to carry on their traitorous Deſigns, without ſuffering for them, as they then did.]

From the Author's words, as they are here deliver'd, with a Gloſs not perverting the Senſe, it appears what he thought a *proper Seaſon* for having his Paper made publick. *His beſt Friend* (as he calls him) *into whoſe hands he put it, to be made uſe of in Time and Place, according to his diſcretion,* thought it a very favourable Opportunity, and that things were ripe enough for it, when he ſaw the unwearied diligence of his Party (who, I fear, had greater Incouragements than People generally imagine) ſucceed ſo far, as to have the King traduc'd publickly, for breaking his Promiſe, and being unjuſt to his People: and accordingly then we know, was the ſeaſonable Juncture of Time and Affairs, wherein he made his execrable Treaſon publick, 'twas ſoon after the laſt Seſſion of Parliament.

The ruinous Deſigns of the Jacobites.

'Tis impoſſible for human Wiſdom to ſay, how far preciſely the Underminers of our State may ſerve their Cauſe (or rather I ſhould ſay, what Ruin they may bring on theſe Kingdoms) by the Advantages they have taken of his Majeſty's Grants. If it be my Opinion, that 'twill be of very dangerous Conſequence to our State, to let them ſtand as they now do, with the Wound that has been made on his Majeſty (to ſay nothing at preſent, of what our Reformed Religion has ſuffer'd, by the unuſual, and very differing Treatment of Papiſts and Proteſtants) this, I hope, will be allow'd to be a ſufficient Apology for this Undertaking.

The King's Proceedings vindicated.

My Deſign in it is, not only to wipe off thoſe Aſperſions which have been thrown on the King, and to ſhew that there is not the leaſt ground for what evil Perſons have ſuggeſted, of his breaking his Promiſe; but likewiſe to make People entertain another Opinion of his Grants than hitherto they have probably done: much care having been taken to lead Men into Error by falſe Reports, and few venturing on the other hand, on an Attempt ſo invidious as they knew 'twould be, to ſet this Matter in a true Light.

In vindicating the King's Honour, againſt the too open Aſperſions of the worſt ſort of Subjects, who have labour'd to have him thought unjuſt to his People, and his Word, I muſt of neceſſity ſet forth his Majeſty's Title to the Forfeitures; and the direct and natural Conſequence of this will be, to remonſtrate the Hardſhips which they all ſuffer, who either had Grants from his Majeſty, or who purchas'd from them, or laid out Mony on Improvements.

This, I know, will be look'd upon as too bold a Remonſtrance, and will, at firſt ſight, be cenſur'd by more than the Diſaffected (whoſe Endeavours I would willingly countermine) as an Attempt that arraigns the publick Juſtice of the Nation. This is a piece of Arrogance which I deteſt. I always admir'd the Temper of *Pericles* the *Athenian*, of whom we are told, (*h*) 'That whenever he ſpoke publickly, he 'wiſh'd that no word might fall from him, which might grate the People, or ſeem 'repugnant to their Wills. I can't reckon that Man ſo well fram'd for Society as he ought to be, who knows not how to ſubmit his private Affections to the publick Will, but inveighs againſt the Ordinances and Acts of the Supreme Powers of the Country wherein he lives, and takes upon him to charge them with Injuſtice, with the ſame freedom that he cenſures the Actions of private Men. To the Powers Legiſlative, and their Sanctions, there is ſure much more Reſpect due, than barely to abſtain from ſpeaking diſreſpectfully of them. But I think there is a mighty difference between reviling a Law, and repreſenting the Inconvenience of it: The former is what a good Man can't do, and there are ſome perhaps who may think themſelves not deſerving of that Name, if in ſome caſes they left the latter undone.

(*h*) Quotieſcunq; verba facturus in publicum prodiret, optabat ut ſibi nullum ejuſmodi verbum excideret quod populum exaſperare atq; irritare poſſet, aut quod illi contrarium eſſet, & cum ipſius voluntate pugnare videretur. *Ælian.* de var. Hiſt. lib. 4. p. 96.

We

We of this Kingdom don't hold any Council upon Earth Infallible; and we know by an Act repeal'd the very laſt Seſſion of Parliament, that the Wiſdom of this Nation, not long before, paſs'd an Act which prov'd inconvenient. If this was found out by any private Perſons without Doors, whoſe way of dealing plac'd them in the beſt Light, to make the diſcovery (as perhaps it might have been) the laſt Reſolution of our States ſhews how little faulty they were, who took a liberty of repreſenting the Inconvenience of the former Act.

This is a Freedom which our Legiſlators, the great Patrons and Aſſerters of Liberty, will not diſallow in a free State, where even licentious Writings and Diſcourſes have paſs'd uncenſur'd, and Liberty is cry'd up as the great Bleſſing of the Age. As for the Freedom which I here contend for, if it be taken decently and modeſtly, it ſeems as little to need an Apology in this, as in any Caſe of this nature; for there never could be more reaſons for it.

The Proceedings in Parliament about the Iriſh *Forfeitures.*

First, The Act of the States of our Kingdom, in the laſt Seſſion of Parliament, does not only tacitly allow, but in a manner call for a Repreſentation of the Hardſhips of that Act, if any ſuch may be found in it. The printed Votes tell us, that before they paſs'd that Bill, whereby the Eſtates of great Men, and the Titles and Intereſts of a vaſt number of Proteſtant People were reſum'd, they made a Vote againſt receiving any Petitions. This ſeem'd a little hard to ſome, who did not look into the Reaſon of it. 'Tis true, *Magna Charta* ſays, *That Juſtice and common Right muſt not be denied to any Man, or delay'd* (*i*). We know, that the Heathen *Feſtus* thought it not Reaſon to ſend for a Priſoner, without ſhewing the Cauſes which were laid againſt him; and that *reſcribere Principi*, to petition the Prince, and ſet forth their Grievances, was allow'd as the natural Right of Mankind, to the Subjects of Arbitrary Princes, even where the *Lex Regia* prevail'd, and the Sovereign's Will was the Law of the Land.

Petitioning the Prince always allows'd.

Can we then ſuppoſe, that the States of this Kingdom (which has rais'd its Glory abroad, and been hitherto eſtabliſh'd by the Righteouſneſs of its Laws) would ſeize Mens legal Poſſeſſions (for ſo I muſt call them) without hearing what they had to ſay for themſelves (eſpecially when 'tis contrary to our *Bill of Rights*) if there had not been a Reaſon for it? What ſome imagine, that they were influenc'd by the *Iriſh* Commiſſioners, becauſe they were known to ſay, before they came out of *Ireland*, that they would uſe all their Intereſt to prevent the receiving Petitions, is but a very weak Conjecture. Our Legiſlators knew, without any Information from them, that if they receiv'd Petitions (which could not ſerve the turn of all the Aggriev'd, becauſe it was impoſſible to hear them all) 'twould take up the whole time of the Seſſion. This made it neceſſary to them, to poſtpone particular Caſes, and defer for a time that Juſtice which ſome thought was due to private Men, for fear of the Publick's ſuffering by it. If they made themſelves Maſters of the Forfeitures in one Seſſion, by reſuming them in groſs, they knew that, as a Statuary by cutting off great Quantities of ſuperfluous Matter, by degrees faſhions his rude Marble into a beautiful Figure, a Monument which in after Ages will give Reputation to the Workman; ſo ſhould they afterwards be able (when without hazard of the Bill, they could venture to deſcend to Particulars) by cutting off from what they reſum'd, to remove Grievances, and thus ſhape the Reſumption into a more comely Figure. I ſhall do nothing therefore unbecoming a good Subject, if I preſume that it was to give an Opportunity for ſuch Amendments, that the Wiſdom of this Nation would not have the laſt hand then put to that Affair, but left it in ſome Caſes doubtful and imperfect; that with an explanatory Act, which ſhould be neceſſary, there might be room for Juſtice and Mercy, which they knew were more neceſſary. This then being, as I imagine, no improper ſeaſon for all Complainants to ſet forth their Grievances, and for the States of this Kingdom to conſider, what they are to cut off from this firſt Maſs to give it a juſt Form, or whether the Matter of it is ſuch as can be wrought into a Monument that will bear being tranſmitted to Poſterity, or no; it muſt be allowed to private Men to ſpeak their Minds freely, and let in upon them all the Light they can, in a Matter of ſo great Concernment to publick Reputation, and the Intereſt of Multitudes.

(*i*) Nulli negabimus aut differemus juſtitiam aut rectum. *Mag. Chart.* c. 29.

The King's Right to diſpoſe of the Forfeitures not well underſtood.

Another great Reaſon, why a Freedom ſhould be allow'd to give all the Light that may be in this Affair, is, becauſe 'tis in its own nature obſcure, and as yet but very little underſtood. The King's Right to diſpoſe of Lands veſted in him, and the true Reaſon of it, is a Subject which many, who have good Affections to their Country, and great Abilities to ſerve it in the moſt publick Capacity, have not had Leaſure and Opportunity to conſider and underſtand, as they ought to do: And the Learning of Reſumptions lies ſo much in the dark, that very few are Maſters of it.

'Tis in this great Obſcurity that the Enemies of our State have broken in, and after they had caſt the miſt before the Eyes of the ignorant, ventur'd boldly even at the Subverſion of our Government, by impeaching the King's Honour and Juſtice as they did in all places of Concourſe, and deſtroying the Publick Credit of his Miniſters. 'Twas the Darkneſs of Affairs that favour'd their ſeditious Deſigns; were it not for that, they never, I believe, would have had any Cloke or Colour for the Liberty they us'd. There is none but the ſupreme Being, whoſe Wiſdom is infinite, who can be ſecure, *when Clouds and Darkneſs are round about him*, that *Righteouſneſs and Judgment* ſhall be the *Habitation of his Seat*. In matters dark and obſcure, all human Wiſdom is ſubject to Error, but more eſpecially where *the God of this World* has Influence, and *blinds the Eyes of Men*.

The Liberty pleaded for juſtify'd.

There is yet another great Plea for the Liberty I here crave, to ſet forth the Hardſhips of that Act, and repreſent things in their true and proper Colours; and that is grounded, not only on the Darkneſs of the things themſelves, but the Induſtry that has been us'd, and the Meaſures that have been taken to render them more obſcure, and by ſhameful Falſhood to endeavour to impoſe even on our Legiſlators themſelves. I ſhall not here, under this Head, take notice of the Miſtakes, which the Gentlemen, *conſtituted Commiſſioners for inquiring into the Forfeited Eſtates*, were guilty of: their Overſight, which miſled the Parliament, and drew them into Reſentments, and a Fondneſs for that Bill, which they could not have had, if they had ſeen things in their naked Truth, I ſhall conſider in their proper place. That which I would here remark is, the Diſingenuity that Gentleman was notoriouſly guilty of, who the laſt Year publiſh'd the *Diſcourſe upon Grants and Reſumptions*.

Dr. Davenant's Poſitions refuted.

Tho the Buſineſs of the Book (as the Title Page ſets forth) was to ſhew, *how our Anceſtors proceeded with ſuch Miniſters as procur'd to themſelves Grants of the Crown-Revenue, and that the forfeited Eſtates ought to be apply'd towards the Payment of Publick Debts*; yet has he not in all that long and factious Diſcourſe, in any one inſtance ſhewn, that our Anceſtors pretended that 'twas againſt the Law of our Land, that any Miniſters ſhould have Grants of the Crown-Revenue, or that forfeited Eſtates ſhould be otherwiſe diſpos'd of, than towards the Payment of Debts, or any other Uſe of the Publick. In the whole Work there is not one thing ſaid relating to the Argument, that can in the leaſt ſerve to keep that bold Diſcourſe in Countenance, unleſs it be that ſhameful Aſſertion of his, *That the Grants of the Crown Land, made for theſe laſt ten Years, are void in Law*. It muſt be great Diſaffection to the preſent Government, that makes him pronounce ſo ſeverely againſt his Majeſty's Grants, when the Reaſon he gives for it (which is no reaſon at all) holds as ſtrong againſt all the Grants that have been made above theſe two hundred and ninety Years. By this I find what he ſays in another (*a*) Diſcourſe (taken notice of before) may be true, That a People *may have a Hero come over to ſecure their Religion and Civil Rights, which were invaded, and to arm them againſt an Enemy, whoſe Power threaten'd to inſlave* Europe, *yet he may meet with ſome not thankful for his Benefits*.

Giving of Grants the undoubted Right of the Crown.

His Diſcovery of his Majeſty's Grants being void, which no Lawyer dream'd of before, was very remarkable: he found, it ſeems, in the Tower, where he has taken a great deal of pains in hunting *for Knowledg that lies under abundance of Rubbiſh*, a Parliament Roll, whereby he learn'd that 11 Hen. 4. *It was plainly and directly enacted*, "That all manner of Hereditaments, which from thence forward ſhould fall "into the Crown, ſhould not be alienated, but remain to the King (*b*). *This Law*, "he ſays, *is poſitive, unrepeal'd, and ſtill in force, as much as* Magna Charta. If it be ſo, how comes it to paſs, that no mention is made of it in any of our Books? That none of our Parliaments have ever taken notice of it, when (as I ſhall make appear) there have been many Acts that have mention'd the King's Grants, as ſettl'd

(*a*) *Diſcourſe on the publick Revenues*, Part 2. (*b*) Vid. *Diſcourſe on Reſumptions*, pag. 303-p. 310.

uncon-

uncontroverted Rights of the Crown. The Diſcoverer perhaps will ſay, that this was owing to the Misfortune of its lying bury'd under Rubbiſh in the Tower, till he found it out. But then I would ask, how it came to be bury'd in the Rubbiſh there, and not found in our Statute Book among other Acts, if (as he would inſinuate) 'twas made to be a perpetual Security to the Revenues of the Crown? Suppoſe it were ſo, does it not loſe ſome of its Strength? Is it not grown obſolete, after its lying in Rubbiſh almoſt 300 Years, after that it has been implicitly repeal'd by a great number of Acts, which have allow'd the King's Grants? Is it ſtill in force as much as *Magna Charta*, which has been confirm'd by above forty Acts of Parliament? How comes it to paſs, that in the 28*th* of *Hen.* 6. when (according to our Author) the firſt regular Reſumption was, and there were ſo many Complaints of the Peoples great Poverty by reaſon of the King's Grants, not one Word was ſaid againſt the King's Right of granting (which was plainly allow'd by the Act, and what the Lord Chancellor *(c) Forteſcue* ſaid) when in that complaining Parliament there muſt needs be ſeveral who were Members of that of *Henry* 4. where 'tis pretended, that the King's Right of making Grants, was deſtroy'd by a poſitive and perpetual Law; when the Acceſſion of *Henry* 6. to the Crown (in whoſe time almoſt all the Crown Lands, which in the beginning of his Reign *(d)* were about a fifth part of the Lands of the Kingdom, were granted away) was not 12 Years after that Law was made?

The Act of H. 4. *was only a temporary one.*

The Truth of the matter is, that was never thought to be ſuch a Law as this Author is pleas'd to make it, and that he knows very well. That Act, ſuch a one as it is, could only reſpect the Circumſtances of that time; and 'twas ſo far from tying up the hands of all ſucceeding Kings, that it could not bar *Henry* 4. himſelf from making Grants. This is very plain from the Commons part, in the Petition to the King; for they pray, that *for the future (en temps enſuant*, which he *(e)*, to make it a perpetual Act, renders *for ever hereafter) no Grant may be made, till the King ſhall be out of Debt, and unleſs there be remaining in his Coffer ſufficient for the Proviſion of his Family.* A Man who would venture his Reputation ſo far, as to call this an Act of Parliament as ſtrong as *Magna Charta*, and trump it up againſt the King to void his Grants, muſt, one would think, have ſome other Deſign than to ſerve his Country. 'Tis poſſible there may be nothing elſe in it, and that a great foreign Miniſter's Coach, which has been ſeen often at his Door, only carry'd its Lord with civil Viſits thither; but methinks the Letter writ into *Ireland* to one of our Commiſſioners for enquiring into Forfeitures, does a little too plainly diſcover a Deſign not eaſily juſtyfy'd, if what I am told be true, that the Letter aſſures that Commiſſioner, that this Author's Book ſhould meet them here in the Winter. If this be not ſufficient to open the Eyes of every true *Engliſh* Man, his Book lately publiſh'd muſt plainly ſhew them what this Author aims at, and in what Intereſt he is imbark'd.

The Author of the Diſcourſe of Reſumptions his Deſign is to weaken the Governm.

This perhaps may put my Reader upon reflecting a little, and conſidering what in reality his Services are, which he ſo mightily boaſts of, when he *(f)* tells us, 'That he has conſtantly endeavour'd to make his Studies tend to the Service of the 'Publick, his Aim has been to incite in young Gentlemen a deſire of being ac- 'quainted with the Buſineſs of the Nation; and this Knowledg lying under a- 'bundance of Rubbiſh, his Scope has been to remove this Rubbiſh, and to dreſs up 'crabbed Matters as agreeably as he can. Is it his Senſe, that to endeavour to weaken his Majeſty's Government, and ſerve a Party imbark'd in ill Deſigns againſt the Father of the Country, is to ſerve the Publick? Is the Buſineſs of the Nation, with which young Gentlemen ſhould be acquainted, Faction and Mutiny againſt the King? To furniſh Arguments and Matter for this Faction, is it a meritorious Work to ſearch for Records that lie under abundance of Rubbiſh in the Tower? Would he make us believe, that to abuſe ſuch Records, to make them father a notorious Falſhood, and even to deſtroy our Conſtitution, is to dreſs them up agreeably to true *Engliſh* Palats, when 'tis only making them ſerve the turn of a Party?

When ſo much Artifice has been us'd to lead Men into Error, when Nations have been impos'd upon, and the Reverence of the Government, in which our Safety conſiſts, has ſuffer'd by it; 'twill not, I hope, be taken ill, that a private Man ſteps in, and ſpeaks what he thinks is Truth.

A great and worthy Man *(g)* of our Law tells us, *That altho* ſilentii tutum præ-

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(c) Vid. *Diſcourſe on Reſumptions*, p. 259.
(d) *Sir* J. Forteſcue's *Treatiſe* de Dominio Regali, *Diſcourſe on Reſumptions*, p. 257. (e) Pag. 303, 304.
(f) Diſcourſe on Reſumptions, p. 41. *(g) Lord Chancellor* Elleſmere's *Speech concerning the* Poſt-nati, *Epiſt. to the Reader.*

mium,

When Silence becomes a Crime.

mium, *is often true in human Policy, yet there is* crimen reticentiæ; and he from *Chryſoſtom* obſerves, That there are three Articles in which Men are injurious to Truth. 1. *In concealing the Truth out of Fear.* 2. *By changing Truth into a Lie.* 3. *By not defending it.* If it be my Opinion, that our Commonwealth is brought into great Hazard, by the Injury that has been done to it in the ſecond Article, I thought it could be no Crime in me to avoid being guilty of the firſt and laſt.

Nothing but ſuch a Regard to Truth and Juſtice, and the Apprehenſions I have of ill Conſequences attending the Miſtakes Men are led into in this matter, could make me undertake a Task ſo invidious, as I know this will be. What Sentiments I have I ſhall offer with great Sincerity, being altogether diſintereſted in this Affair, and having no Ingagement to ſway me, but what ſhould influence any one, who regards the Duties incumbent on him, as he is a Subject, and a Man.

'Twas a Law of *Solon*, *That if the Commonwealth at any time ſhould be divided into Factions, the Neuters ſhould be noted with Infamy.* His Deſign herein could be no other than to ingage all thoſe who in their Tempers were vertuous, peaceable, and modeſt, to appear openly in the Concernments of the Government; concluding aſſuredly, that by this means the Deſigns of the Factious would be diſappointed, and the Ruin of the Nation by the Contrivance of wicked Men prevented.

The Author's Motive to ingage in this Diſcourſe.

This was the great Motive that diſpos'd me to ingage in this Undertaking. Tho what I ſay muſt, I know, be ungrateful to a great many, yet I can't doubt of finding quarter in their inward Sentiments and Cenſures; ſince, as my Lord *Bacon* obſerves, *The Cauſe of Laws, and defence of the antient State, have ever found this Privilege, that ſuch as for their own Intereſt diſturb the ſame, excuſe (if they honour not) their Defenders.*

The principal Deſign of this Diſcourſe being to rectify an Error, which, thro the evil and falſe Suggeſtions of Malecontents, has too univerſally obtain'd, and to ſhew what Injuſtice has been done the King, in the Opinion Men have entertain'd of his Grants and Promiſe: the Firſt thing I am to do is, to ſet forth the King's Title to the Forfeitures, and the Right which he has to make Grants of the Revenues of the Crown. If in the firſt place his Majeſty's Title appear to be good, and this be a clear, ſettl'd, and undoubted Right in him, 'twill, I think, not only go a great way towards the refuting thoſe Men, who derive a Right and Title to the Publick from the Claim of the Commons, which they call reaſonable; but 'twill induce us likewiſe to interpret his Majeſty's Promiſe (as 'tis call'd) more favourable; and 'twill repreſent to the States, and all the People of this Kingdom, the Hardſhip of their Caſe, who are depriv'd of the legal Rights which they enjoy'd under the King's Title, whether they were Rewards for Services, or Lands purchas'd with Mony, or Leaſes made valuable by Improvements.

The King's Title to the Forfeitures vindicated.

Tho by the perpetual Common, as well as Statute Law of this Kingdom, all Eſtates forfeited for Treaſon do veſt in the King; tho this be as clear as the firſt Principles of our Law; tho it be no leſs manifeſt, that 'tis his Majeſty's undoubted Right to make Grants of ſuch Forfeitures of the Crown, yet muſt I ask Pardon of the Gentlemen of the Law for being ſo abſurd (for ſo 'twill ſeem to them, and to all who underſtand how plain our Law is in this matter) as not only to undertake the Proof of ſettl'd and uncontroverted Points, but likewiſe to be a little longer on it, than they perhaps will think the Subject requires. There is in my Opinion a Neceſſity for it. The Author abovemention'd (whoſe Book is thought to have had a very Publick Influence) has told the States of this Kingdom, that the King had no Right to make Grants; and others who are not ignorant of what is Law, do, without regard to our Conſtitution, uſe Arguments drawn from what they call reaſonable and convenient, and would have legal Rights ſubmit to them. To ſhew theſe Men their Errors, I ſhall not only prove the King's Right to Forfeitures, and to make Grants of Revenues of the Crown, but by tracing things up to the firſt Source and Spring, ſhew that this Right ſtands upon another Foundation than People generally imagine, ſuch as Men, who have a juſt regard for our Conſtitution, and would give *Cæſar* his firſt and great due, can never conſent to undermine.

The King's Title proved.

To prove the King's Title to the forfeited Eſtates in *Ireland*, I need only take notice, that by the Act of *(b) Edward* 3. here in *England* (which by Sir *Edward Poynings* Act is in force in *Ireland*) all thoſe who *levy War againſt our Lord the King in his Realm*, or *adhere to his Enemies, are guilty of Treaſon*; and that *of ſuch Treaſon*

(*b*) 25 *Edw.* 3. c. 2.

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the Forfeiture of the Eſcheats pertains to our Lord, as well of the Lands and Tenements holden of others, as of himſelf. But tho I mention this Act, to ſatisfy my Readers of the moſt ordinary Capacity, that thoſe Forfeitures belong to the King, yet I would not have them think, that 'tis this, or any other Act of Parliament, that gives him a Title to them. This Statute introduces no new Law: the ſhort Preamble to it ſhews that before the making of it, there were divers Opinions concerning Treaſons; and therefore the Act (as the Title of it ſets forth) is no more than *a Declaration what Offences ſhall be adjudg'd Treaſon*; and when it mentions that the *Forfeiture of the Eſcheats pertaineth to the King* (which, as to any Operation thoſe Words have, might as well be let alone) it does not by any enacting Clauſe create a Title, but declares or ſuppoſes a ſettl'd Right antecedent to it. 'Tis a Right inherent in the Crown, a Prerogative of the King (and conſequently (*i*) the Common Law of this Land) prior not only to any Ordinances, and Acts of the States of this Kingdom, but, I may ſay, to all other his Prerogatives likewiſe. This will be manifeſt, when I come to ſhew that our Kings, from whom all Lands either immediately or mediately are held, did not grant away the Lands with which they infeoffed their Subjects or Followers abſolutely, but conditionally, and with a Reſervation of Service and Fidelity to themſelves; ſo that whenever the Service were deny'd, their Faith violated, and conſequently the Condition of the Tenure broken, the Eſtate ſhould return to the King the firſt Donor, who reſerv'd the *directum Dominium*, or abſolute Propriety to himſelf.

All Lands held mediately or immediately of the King.

When by the Rebellion of a Subject his Eſtate returns thus to the Crown, 'tis ſo abſolutely in the diſpoſal of the King, that whether he may grant it to another, will no more afford matter for Controverſy, than whether the King could at firſt grant it. The famous *Molinæus* (*k*) tells us, *That in* France, *all Eſtates whatſoever returning to the King by Right of Confiſcation, may be alien'd and granted away for ever by him, without the conſent of the Parliament at* Paris. This is a ſettl'd Right wherever the feudal Conſtitution has obtain'd; and for very good reaſon: for where Lands are granted conditionally in Fee, and they by breach of Covenant, and Diſſolution of the Tenure, return to the Donor, or him who ſucceeds him in his Rights and Prerogatives, he has the ſame Right to diſpoſe of 'em, that the Lord at firſt had.

The Eſtates of Rebels return to the Crown.

Upon this Account it is that to grant Forfeitures and all Eſcheats whatſoever, has been always allow'd to be a Prerogative of our Kings, a Right inſeparable from the Crown; and as plainly deriv'd from the antient Kings of this Realm, as the Crown it ſelf and the ſupreme Dominion of the Land. This is what they have always practis'd, and their Right was never diſputed, till the Author of the Diſcourſe on Reſumptions made bold to deny it.

The Grant of Forfeitures, a Right of the Crown.

That which he has aſſerted (as I obſerv'd before) is, that the *Grants of the Crown-Lands* made by his Majeſty (*l*) are *void in Law.*

That neither this Statute nor any other Law reſtrains the King from making Grants either of Hereditaments that were to fall afterwards to the Crown (which are only reſtrain'd by that Act) or of any of its antient Revenues, will be made to appear, Firſt, from conſtant Uſage: Secondly, from ſeveral Acts of Parliament: Thirdly, from the Reſolution of our Judges, and the Judgment of the Lords in Parliament.

Firſt, Conſtant Uſage demonſtrates the King's Right; and ſhews that the Act cou'd be of no force to bar him from making Grants of either ſort. Had this been an Act of ſuch Force as is pretended, and deſign'd to ſecure all the antient Demeſnes, and after-Eſcheats, and to keep them in the Crown; we ſhould have heard of it very early: for on both theſe accounts, we had great need of its Aſſiſtance very ſoon after its Birth. 'Twas but about ten Years after the paſſing it, that *Henry* the Sixth came to the Crown. That Prince had in Lands, Tenements and Hereditaments, near the Value of the fifth Part of his Realm. The Grants made in his time were ſo great, that, beſides a vaſt Debt of five hundred thouſand Pounds on the Crown, there was not left above five thouſand Pounds *per annum* to ſupport it. 'Twas this that put them upon Thoughts of a Reſumption, of which I ſhall have occaſion to ſpeak anon. Theſe Grants were not only of Lands that had been before in the Crown, but of new Forfeitures likewiſe and Eſcheats, of which there were great Plenty in this King's Reign. That he had a Right to

Proved by conſtant Uſage.

(*i*) Coke, Inſtitut. 2. p. 496, 497.

(*k*) Feuda, ſubfeuda & alia quæcunq; immobilia ab eodem domanio dependentia, quæ ad Regem jure Confiſcationis vel commiſſi deferuntur, poſſunt libere per eum alienari & in perpetuum concedi, &c. Tit. 1. de fiefs, S. 48. nu. 184. p. 1061.

(*l*) *Diſcourſe on Reſumptions*, p. 257.

grant,

grant, and that it behov'd him thus to reward the Services of deſerving Men, Sir *John* (*m*) *Forteſcue*, a Man as juſt to the Rights of the People as the Prerogative of the Prince, does plainly tell us: and 'twill appear that this was the Senſe even of the Parliament of that time. What was then done ſo ſoon after making that Act, has ever ſince been conſtantly practis'd; all Hereditaments that have ſince fallen to the Crown, either by Forfeiture or Eſcheat, our Kings have always granted away as they have pleas'd: Nor has their Right to do it been ever any more queſtion'd, than the very firſt Principles of our Law, till this Author, out of a very particular reſpect to his preſent Majeſty (of which he has given a very plain Demonſtration in his Book lately publiſh'd) was pleas'd to queſtion his Title. The Uſage has been the ſame in all other Lands and Hereditaments of the Crown. To ſatisfy my Reader of this, I need only deſire him to enquire what are become of all the Crown-Lands, all the antient Demeſnes which are *(in libro rubro)* in the Red Book. He will find that Subjects are poſſeſs'd of them all; and that the firſt Title was deriv'd from the King's Grants.

The ſame further proved.

Secondly, The King's Right, and the Nullity of the foremention'd Act is farther demonſtrated from ſeveral Acts of Parliament. To refute that Gentleman, I need only mention the Acts of Reſumption taken notice of by himſelf. In the firſt Reſumption (as he calls it) which was in the 28*th* of *Henry* the ſixth, we don't find that the Commons in their Part of the Act take any notice of the Act of *Henry* the fourth, at the paſſing of which ſome of them muſt needs have been preſent. They don't there ſay, as our Author now does, that by virtue of that Act the King's Grants were void. No, but they plainly allow the contrary: for they themſelves put in ſeveral Savings. A Saving certainly allows a Right, for Savings of nullities would be trifling and impertinent.

The ſame is farther demonſtrated from the King's Part of that Act: for he reſerves to himſelf a Liberty to except as many as he thought fit, and accordingly does except 185. Would this have been allow'd a weak Prince, as *Henry* the ſixth was, had there been any Senſe in theſe Savings and Reſervations, if there had been an Act as much in force as *Magna Charta*, and that Act had made all ſuch Grants actually void? Thus it was in all thoſe Reſumptions, not one of them mentions this Author's *Magna Charta*, but there are Exceptions in every one of them (which ſhews, that the King was allow'd to have a part in thoſe Acts) and in the laſt Reſumption in this King's Reign (*n*) there is a plain Reſervation for his Prerogative in theſe Words, *always his Prerogative reſerv'd.* When the King could inſert ſuch a Clauſe as this, was it poſſible that there ſhould be any Act then in force, to prohibit his making Grants? Does it not rather follow, that he by his Prerogative claim'd a Right to make Grants, which no Act of Parliament ſhould deſtroy? This ſeems to me to be the Senſe of thoſe times, and of this Saving for his Prerogative. This may be farther demonſtrated from ſeveral other Acts of Parliament. In the Reign of *Henry* (*o*) the eighth, an Act paſſed, which ſettles the Fees of the Clerk of the Signet, upon paſſing Grants from the Crown. In the Reign of King *Charles* (*p*) the Second, in the Act *for laying Impoſitions on Proceedings at Law*, among many others, a Rate is ſet *for every Grant of Lands in Fee, Perpetuity, Leaſe for Years, and other Grants that ſhall paſs the Great Seal of* England, *Seal of the Exchequer, Seal of the Dutchy or County Palatine of* Lancaſter; the like to which has been done 5*th* & 6*th Gul. & Mariæ.* Theſe ſhew, that the Parliaments allow'd the King's Grants to be good. In the Reign of *Edward* the ſixth, in an Act (*q*) paſſed to ſettle Doubts concerning the Tenure of Lands holden of the King (*viz.* whether they ſhould be accounted Tenures *in Capite*) we find the Reſolution of the States concerning *all Honours, Caſtles, Mannors, Lands, Tenements, and other Hereditaments, which were then come to the King, or ſhould afterwards come to him, his Heirs, or Succeſſors, by means of Attainder, Conviction, Outlawry*, &c. *and be holden of them.* This makes it plain, that the Parliament thought of no Statute of *Henry* the Fourth's time, then in force, which did reſtrain the alienation of all Hereditaments which ſhould afterwards fall to the Crown, ſince this Act ſpeaks of Hereditaments which ſhould fall to the King, and afterwards be held of him. That ſuch Grants have had the Allowance of Parliaments, is farther demonſtrated from two

Fees for paſſing of Grants regulated.

(*m*) *Diſcourſe on Reſumptions*, p. 257.
(*n*) 33 Hen. 6. Numb. 47. Vid. *Diſcourſe on Reſumptions*, p. 207.
(*o*) 27 Hen. 8. c. 11. (*p*) 22 Car. 2. c. 9.
(*q*) *Anno* 1 Edw. 6. cap. 4.

other

other Acts (*a*) made in the ſame King's Reign, to confirm the King's Patents, notwithſtanding any *miſnaming, miſpriſion, or miſrehearſal, or any other default* (according to the Forms that were in uſe) *contain'd in the Acts.* It had been very abſurd in Parliaments, thus to make Laws, to diſpenſe with ſeveral things requiſite by common Uſage to make the King's Letter available, if it had been againſt the Statute Law of this Land for the King to grant ſuch Letters Patents.

Objections.

It may be objected, that the Sale of the Fee-Farm Rents was by Parliament; therefore without Concurrence or Authority of Parliament, the King cannot make Grants.

Anſwer. Why a Law made for the Sale of Fee-Farm Rents.

To this the Anſwer is very eaſy, that thoſe Acts (*b*) were not of Neceſſity, but for Security againſt Exceptions and Niceties on Grants, and to encourage Purchaſers.

Thirdly, Beſides conſtant Uſage, and the Allowance of ſeveral Parliaments, the Reſolutions of our Judges and Sages in the Law farther demonſtrate the King's Right, and ſhew, that no Law reſtrains him from making Grants of the Revenues and Hereditaments of the Crown. 'Twould be an endleſs and indeed needleſs Labour here, to quote Authorities, of which our Books are full, to ſhew, that Grants made by the King, either of Eſcheats or Forfeitures, or any other Revenues of the Crown, are good and legal Titles, ſince there is not any one Book that proves ſuch Grants to be void; but all the Rules in Law concerning the paſſing of Grants, demonſtrate the contrary.

Judgments given in particular like Caſes.

For proof of the Matter in hand, I ſhall confine my ſelf to the Judgments given in two particular Caſes.

The firſt is, The Caſe of a Merchant Alien, in the firſt Year of Queen *Mary*.

The ſecond is, The Caſe of the Bankers ſince his Majeſty's Acceſſion to the Crown.

In Q. Mary's Time.

The firſt Caſe (as we find it in *Dyer* 92.) was thus: King *Edward* the Sixth had granted to a Merchant Alien, that he might tranſport or import all ſorts of Merchandize, not exceeding in the Value of the Cuſtoms thereof fifty Pounds, paying only to the King, his Heirs and Succeſſors, for the Cuſtoms of ſuch Merchandizes, no more than any *Engliſh* Merchant was to pay. This antient Cuſtom (as it appears from my Lord *Vaughan*, 161, 162, 163. and my Lord *Coke* 4 Inſt. *f.* 29, 30.) was given to the King by Act of Parliament, in the third of *Edward* the Firſt; but 'twas formerly thought to be by Common Law, which my Lord *Vaughan* ſays, in the place above-cited, was the Opinion in the Times of *Henry* the Eighth, Queen *Mary*, and Queen *Elizabeth*.

In the firſt Year of Queen *Mary*, 'twas a Queſtion before all the Judges in the *Exchequer* Chamber, whether upon the Death of King *Edward* the Sixth, the Cuſtoms granted by him to that Alien Merchant were not determin'd? Their Reſolution was, that the King's Patent remain'd good for the old Cuſtoms, and the Reaſon was, becauſe they (not knowing it ſeems in thoſe Times, that 'twas given by Act of Parliament) thought the King had an Inheritance by his Prerogative; for ſo the words of the Book are, *En que le Roy aver un Inheritance, comme Prerogative annex a ſon corone.* From hence it appears that in the Judgment of the Learned Judges of thoſe Times, a Grant made by the King of an Inheritance which he had *by his Prerogative annexed to his Crown*, was good. Whether their Judgment would have been the ſame, if they had known that Cuſtom had been given by Act of Parliament, I leave my Reader to gueſs from what follows.

The Judgment about the Bankers.

The ſecond Judgment I ſhall take notice of, is that which was given in the Caſe of the Bankers; which ſhews us what was the Judgment, not only of all the Barons of the *Exchequer*, and afterwards of all the Judges in the *Exchequer*-Chamber, but of the Lords likewiſe in Parliament, concerning Grants of the King, and the Power he has over the Revenue of the Crown.

The Caſe of the Bankers ſtated.

The Caſe, as far as it concerns us to ſtate it, was thus: King *Charles* the Second borrow'd Mony of the Bankers of *London*, for the payment of which he charg'd his Exciſe. Since his preſent Majeſty's Acceſſion to the Crown, there was a Trial before the Barons of the *Exchequer*, for the Arrears and growing Rent claim'd by the Creditors as due, by virtue of the Patents granted by King *Charles* the Second.

(*a*) *Anno* 1 Edw. 6. *cap.* 8. *Anno* 7 Edw. 6. *cap.* 3.

(*b*) *Anno* 22 Car. 2. c. 6. *Anno* 22 & 23 Car. 2. *cap.* 24.

The Points which came into Controverſy were two:

Firſt, Concerning the Grants, whether they were good: Secondly, Concerning the Remedy, whether 'twas proper.

That which it concerns us here to take notice of, is their Judgment upon the King's Grants; concerning which I deſire theſe two things may be noted.

Firſt, That they were Grants of a Revenue given the King by Parliament, which methinks ſhould render them liable to more Exceptions than Grants of Eſcheats, or Crown Lands, the firſt Tenure of which ſprung from the King himſelf, and not from any Gift of the People.

The Exciſe granted in lieu of Purveyance.

Secondly, That they are Grants of a Revenue given the King in lieu of Purveyance, which by our Law could not be alien'd from the Crown, becauſe 'twas for the maintenance of the King's Houſhold.

The Judges Opinion in the Caſe.

This Conſideration made a difference in the Reſolutions of thoſe learned Judges. Mr. Baron *L—re* own'd, That *it ought to be granted, that the King has a Power over the Inheritance of the Crown in general*; and he ſaid, *That if he could charge his Revenue, he might alien it: For what*, ſaid he, *is the Revenue but the Profits of the ſame? By Profits and Emoluments a Mannor paſſeth.* Notwithſtanding he was of Opinion, *That this particular Revenue is not chargeable.* His Reaſon was, becauſe this Revenue was given to the Crown in lieu of Purveyance; he thought the *Recompence* ought to be in the Crown, as the *Tenure* was for which 'twas given, particularly, becauſe the Act of 12 *Car.* 2. *cap.* 24. which deſtroy'd the Tenures, and gave that Revenue of the Exciſe, in the 15*th* Clauſe enacts, that it ſhall be paid to the *King's Majeſty, his Heirs and Succeſſors, FOR EVER HEREAFTER.* And in the 40*th* Clauſe, *That it ſhould not be let for above the Term of three Years.*

The Chief Baron and the other two Barons, allow'd the King's Patents to be good; and in the Judgment given by them, ſeveral things were deliver'd, which ſettle the Matter now in Controverſy.

Firſt, 'Twas ſaid, that the King may alien in Fee his Crown-Lands, which Baron *L—re* allow'd, tho he differ'd from them as to the Exciſe.

Secondly, That a County Palatine is grantable, and that the Kingdom of *Man* has been granted.

Thirdly, 'Twas ſaid, that what the King can grant, he may alſo charge; for that there is no difference between the Grant and the Charge of the King.

Fourthly, That there is no difference between corporeal and incorporeal Inheritances, as appears by the Grants of Hundreds; and that the King may grant or charge any Inheritance of the Crown.

Judgment in the Exchequer about the Bankers Caſe.

After Judgment thus given in the *Exchequer*, a Writ of Error was brought in the *Exchequer*-Chamber, and the Lord Keeper call'd to his Aſſiſtance all the Judges of *England:* and here, tho the former Judgment was revers'd, yet was not this latter Judgment grounded upon the Right of the Petitioners, but upon the Remedy taken to recover it, which was judg'd to be improper; not one of all the Judges here diſſented from what the Barons of the *Exchequer* ſaid, concerning the King's Right to make Grants of the Revenues of the Crown, but 'twas allow'd by them all.

The Power of the King over his Revenue, aſſerted by the Lords.

After this, the Lords in Parliament, upon Appeal to them, allow'd the Remedy to be good, and revers'd the Judgment given in the *Exchequer*-Chamber, and ſhew'd, that they were of the ſame Opinion with the Judges concerning the King's Power over his Revenue, and the uncontroverted Right he has to make Grants.

This Judgment they gave the very ſame Seſſion of Parliament, that the Bill was paſs'd which reſum'd his preſent Majeſty's Grants. Different Circumſtances may occaſion very different Judgments. We know how that Bill was left with their Lordſhips, at the laſt Conference they had with the Commons.

From what I have here ſhewn from conſtant Uſage, from ſeveral Acts of Parliament, from the moſt ſolemn Reſolutions of all the Judges in *Weſtminſter-Hall*, and the Judgment of the Lords in their Supreme Judicature; it appears that the King has a ſettled and undoubted Right to diſpoſe of any Hereditaments of the Crown, whether they be the antient Revenues of it, or ſuch as veſt in him by Eſcheat or Forfeiture.

But if we trace things up to the Fountain, and diſcover the firſt ſource of this Right, we ſhall find that the Reaſon of it is ſuch, as will ſilence all thoſe who argue for the Reaſonableneſs of reſuming his Majeſty's Grants.

There

There is, I think, a great difference between a Right which one has originally in himſelf, without any Gift or Conceſſion of others; and that which is deriv'd from the People, and committed to him in Truſt, to manage for his and their common Good. The Power which the Sovereign has over the Revenues of the Crown, is of the firſt ſort: 'Tis not of his Subjects Gift, but his own Acquiſition. This is plain in our Conſtitution, and in all the *Gothick* Settlements in *Europe*.

The Right originally in the King, & not a Gift of the People.

For this Reaſon it is that our wiſe and juſt Anceſtors have not only in all Ages heretofore allow'd this Right and Property veſted in our Kings, but have in effect told us, that 'tis a Prerogative inherent in the Crown, a Peculiar ſo ſacred, that it lay clear out of the reach of their Power. This is evident from their Acts of *Reſumption*; the Savings in them for the King's Prerogative are ſo many tacit Acknowledgments of a Right in him, which they had no Power to reſtrain.

There are other Acts which are implicit Recognitions of this ſacred and inviolable Right. In the Reign of *Henry* the Eighth (*Anno* 27. *c.* 28.) the Act which ſeiz'd the leſſer Monaſteries, veſted them in the King: Under the name of *Leſſer Monaſteries*, thoſe were comprehended which were worth under two hundred Pounds *per Annum*; of theſe there were three hundred ſeventy ſix, ſome of which were notwithſtanding worth thouſands. Several of thoſe Monaſteries were founded by private Men; therefore upon the ſurrendry of them, Queſtions aroſe concerning the Right men had to the Lands. The Founders and Donors thought, that thoſe Houſes being diſſolv'd, they had a Title to the Lands that were given by their Anceſtors to thoſe ſuperſtitious Uſes, and that they ought to return to them by way of *Reverter*. Another Title was ſet up for the Superior Lords, from whom they were held; for tho the Founders had totally alienated thoſe Lands from themſelves and their Heirs, yet 'twas thought hard by ſome, that they ſhould be wrong'd of their Eſcheat: but the Arguments neither for the one nor the other did avail. Theſe Houſes were left abſolutely to the diſpoſal of the King, tho the Lands and Treaſure that belong'd to them (I mean even to theſe leſſer Monaſteries) were worth more than all the King's *Iriſh* Grants.

The Caſe of the Monaſteries in K. Hen. VIII's Reign.

But 'twill be ask'd, What can all this ſignify to the Matter now in hand, ſince thoſe Houſes were diſſolv'd, and the Power of diſpoſing thoſe Lands was given the King by Parliament? In anſwer to this Objection, I would ask how it came to paſs, that the Parliament left thoſe Lands to the diſpoſal of the King? We know very well, that the Publick had occaſion for ſuch Funds in thoſe Times; and 'tis not to be queſtion'd but there were then, as well as in other Ages, Patriots who prefer'd the Good of the Publick, before gratifying the Cravings of hungry Courtiers. The truth of the Matter was, they thought they of Right belong'd to the King; and the States of our Kingdom in thoſe Ages of the World were of Opinion, that to give *Ceſar* his due, and to keep to the Conſtitution, was not at all inconſiſtent with that Juſtice and Regard they ow'd their Country. By the *Roman* Law, or at leaſt by a Judgment of the Senate in *Theodoſius*'s Time, the Endowments of the Heatheniſh Temples were (upon a full Debate, Whether they ſhould return to the right Heirs, or be confiſcated) in the end adjudg'd to the Emperor's *Exchequer*. And here in *England* the Founders having alienated the Lands from themſelves and their Heirs, and the Superior Lords being allow'd no Right of Eſcheat, they were allow'd to be in the diſpoſal of the King, to whom by our Conſtitution all Lands and Treaſure that have no Owner do belong.

The Abbey Lands left by Parliament to the King's diſpoſal.

Lands and Treaſure that have no Owners belong to the King.

But 'twill ſtill be urg'd, that 'twas by virtue of the Power given him by Parliament, that he granted them away. 'Tis true indeed, the Act of Parliament did impower the King *to grant and diſpoſe of them at his Will and Pleaſure:* but it does not at all follow from hence, that he would not have done ſo without any ſuch Power given him by the Act. The Act of the ſame King (31 *H.* 8. *c.* 13.) which deſtroy'd the greater Monaſteries, had no words of diſpoſal in it, and yet thoſe Eſtates were granted by the King, and they have hitherto ſtood as ſtrong as any of the others. Tho we have had no Reſumption ſince that time, yet we have had frequent Parliaments. If it be ſaid, that moſt of theſe greater Monaſteries were of Royal Foundation; and therefore, as the Learned Biſhop of *Sarum* (*a*) tells us, muſt have *come to the Crown without diſpute:* This ſhews us, what regard the States of the Kingdom had to our Conſtitution in thoſe days, when, beſides the Revenue and

The great Monaſteries diſpoſed of by K. H. VIII.

(*a*) *Hiſt. of the Reformation*, Part 1. pag. 262.

Wealth of the leſſer Houſes, they ſubmitted to that Right which the King had to diſpoſe of the vaſt Treaſure and Lands which belong'd to thoſe greater Monaſteries, which were 264 in number.

The King's Right antecedent to the Act of Parliament.

But beſides this it appears, That antecedently to the Act of Parliament the King was allow'd to have a Right to diſpoſe of the Lands even of thoſe leſſer Houſes; for as the greateſt number of them were reſign'd to the King before there was any Act of Parliament made for their ſuppreſſion, as the aforemention'd Learned Author tells us (*b*), ſo did the King exerciſe his Power of granting without any Authority of Parliament. Thus for Example, the Priory of *Chriſt-Church* near *Aldgate* in *London*, was granted to Sir *Thomas Audley* Lord Chancellor, at leaſt three Years before the paſſing of that Act (*c*). For the ſame Reaſon it was, that the Statute of *Abſentees* (*Anno* 28 *Hen.* 8. *c.* 3.) in *Ireland*, by which ſome great Men were depriv'd of their Eſtatrs, gave them to *the King, his Heirs and Succeſſors*; they knew they were Grants of the Crown originally, therefore left them to the King, in whom they naturally and of courſe veſted, as ſoon as the Subjects Inheritance was determin'd. Tho the Eſtates of thoſe *Abſentees* were very large, and that of the Earl of *Shrewsbury* alone (conſiſting of three intire Counties, all but one Mannor) would make a larger Territory than all the Lands which his Majeſty granted away in *Ireland*; yet had they no thoughts then of ſeizing that Right which belong'd to the King. Our Conſtitution was in thoſe days better temper'd, than to ſuffer any ſuch Breach upon the Prerogative.

Theſe Conceſſions of the States of the Kingdom, and the Power which our Kings have always us'd over the Revenues of the Crown, do, methinks, argue a Prerogative which could not be given, and therefore, whilſt our Conſtitution ſtands, can't ſo reaſonably be taken from him.

But the Reaſon of this will be more manifeſt, if we enquire into the Original Settlement and diſpoſal of Eſtates.

In this Enquiry we ſhall diſcover, firſt, from what Writers tell us concerning the diſtribution of our Lands; Secondly, from the nature of Eſtates diſtributed, and the Conditions on which they were given; that the Lands were granted originally by our Kings, and that this is the Foundation of that Right and Property which all former Ages have allow'd them in thoſe Lands.

The original Settlement of Lands in England.

As to the firſt; If we trace things as high as the firſt *Gothick* Settlements in this Kingdom (for how much ſoever a larger proſpect into darker and remoter Times may make for us, we ſhall not reckon it needful to look farther) we ſhall find, from the general Conſent of Writers, that all Eſtates in this Kingdom had their Foundation and Origin from the Grants of our Kings. And in *Ireland* 'tis certain, that all Eſtates ſince the Settlement of the *Engliſh* Government in that Kingdom, aroſe from the ſame Title.

All Grants of Lands originally from the King.

This is beyond all doubt our Conſtitution: If it concern'd us to enquire how it came to be ſo, it might perhaps not be improper to ſhew, that Lands were thus diſtributed by the *Gothick* Princes, wherever they made themſelves Maſters of the Countries they entred into. Such a Relation might help to demonſtrate the Truth of the Account which is given us of their Settlement here; and the rather, if what ſome People tell us be true, that the ſeveral Nations ſprung from the ſame Soil, and that their original Conſtitutions, as to the Tenures and Settlements of Land, and Fundamentals of Government, were the ſame. A great Man of our own (*d*) Country tells us, 'That there don't want traces of this from the very Inſtitutions of *Odin*, 'who was the firſt great Leader of the Aſiatick *Goths* or *Getæ* into *Europe*, and the 'Founder of that mighty Kingdom round the *Baltick* Sea, from whence all the Go-'thick Governments in theſe Northern parts of the World are deriv'd.

From this mighty Kingdom of *Scanzia* (for there it was that they firſt ſeated themſelves) iſſued not only the *Viſigoths*, who under divers Names at ſeveral times invaded our Land, were victorious in *Gaul*, and form'd a great Dominion in *Spain*; but the *Oſtrogoths* likewiſe, who acquir'd great Territories, and made themſelves Maſters of *Italy* (*e*). Theſe People (in the ſtile of another Learned Man) overrun many Countries, yea almoſt the whole *Roman* Empire, under divers Names of *Goths, Hunns, Vandals, Sueves, Lombards*, &c. *and ſince that time have conquer'd*

(*b*) *Hiſt. Reformat.* Part 1. p. 237.
(*c*) Ibid. *Pag.* 190, 191.
(*d*) *Sir* Will. Temple's *Introduction*, p. 156.
(*e*) Grotii Prolegom. in Hiſtor. Goth. Vand. &c.

other

other Countries, under other Names of Saxons, Danes, Normans, *&c. (f).* Of theſe People in general we are told, 'That their Princes or Leaders of their ſeveral Na-'tions, became *Konings* or Kings of the Territories they had reduc'd. They re-'ſerv'd part of the Land to themſelves for their Revenue, and granted the reſt a-'mong their chief Commanders by great Diviſions, and among their Soldiers by 'ſmaller Shares. The firſt who had the great Diviſions were called *Earls* or *Ba-'rons*, thoſe of the ſmaller were *Knights*, and the ſmalleſt of all *Freemen*, who poſ-'ſeſs'd ſome Portions of free Lands *(g)*.

This was the general Method wherever thoſe Northern Expeditions had ſucceſs. When the Country was ſubdu'd, the Acquiſitions belong'd to the Prince, and he always diſtributed and granted the Lands as he pleas'd. *Gothick Acquiſitions belong'd to the Prince.*

Thus *Molinæus* tells us, that when the *Franks* had ſubdu'd the *Gauls*, and *Pharamond* ſettled himſelf in that Dominion in the Year of Chriſt 420 (which according to ſome Computations was but (*b*) eight Years before *Hengiſt* and *Horſa*, or the *Scandinavian* Race came into *Britain)* the conquer'd Lands were diſtributed in *Fee* among the People; and that which was requir'd of the infeoffed, was an *Oath of Fidelity, and certain Military Services, in proportion to the Income of the FEE, and ſome Acknowledgments upon renewal of Inveſtiture, and change of Tenant* (i).

This is a remarkable and early Account of the *Feudal* Settlement: For the *Franks* were ſome of the firſt who in the Declenſion of the *Roman* Empire, rais'd Commotions, and made excurſions into its Territories. And 'tis the more worthy our Obſervation, ſince we are told (*k*) that theſe *FRANKS* were a People of *Scanzia*, which (as *Pliny* calls the North) was *Officina Gentium*, or (in the Phraſe of ſome Leraned Men among us) *the great Hive*, from whence thoſe Swarms came which over-run a great part of *Europe*, and particularly acquir'd a Dominion ſeveral times over us. *Of the Feudal Settlement.*

That the Lands acquir'd by the ſeveral People who ſprung from the Soil of *Scandinavia*, were diſpos'd of by the Princes, and that the principal Officers and chief *Captains became, by virtue of their Tenures, his hereditary and ſtanding Council*, the Author of the *Diſcourſe on Reſumptions* is pleas'd to tell us.

This Account of this firſt Settlement is what is every where deliver'd. *Bodin* tells us that the *Hunns* (a People of the ſame Race) who ravag'd with Fire and Sword through *Europe, gave the* Lombards, *the* Almains, *and* Franks, *ſuch a Cuſtom of ſeizing the Dominion of all things, that no one poſſeſs'd a foot of Land*, niſi eorum beneficio, *but by grant from them* (*l*). This is another *Gothick* and *Feudal* Conſtitution: for the Lands which were antiently ſeiz'd by thoſe Conquerors, and when given away were called *Beneficia*, were the ſame with the *Feuda* or *Fees*, as they were called afterwards. *The Nature of the Feudal Conſtitution.*

To ſhew this a little more clearly, 'twill be convenient to deliver here what we are told of theſe *Lombards*; to wit, 'That they coming out of *Germany*, parti-'cularly that part of it called *Saxony*, and poſſeſſing *Italy*, brought with them 'out of their own Country both the Feuds and the Cuſtoms of the Feuds; and in 'that part of *Italy* where they fixed their Seats, and from them was called *Lom-'bardy*, us'd them as formerly they did in their own Country: and that others ap-'proving, follow'd theſe Cuſtoms (*m*).

This Account of the *Lombards*, and their early *Feudal* Settlements, muſt go a great way towards inferring the ſame Settlement in the firſt *Saxon* Government (for ſince the *Norman* Conqueſt there is no doubt) among us; ſince we are told that they carry'd thoſe Cuſtoms out of *Saxony*. Nor does *Grotius* weaken the Reaſon of this Inference, when he tells us that the *Lombards* ſprung from the *Gepidæ*, who originally came from *Scanzia* (*n*); ſince the *Saxons*, as Learned Men tell us, were of the ſame Race and Soil with the *Scandinavians* (*o*). But

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(*f*) Dr. Brady's *compleat Hiſtory*, p. 94.

(*g*) *Sir* William Temple's *Introduction*, p. 65.

(*h*) *Whereas the generality of Writers make the* Saxons, Angles, *and others, to have come hither in the Year* 449. *Mr.* Selden (Jan. Angl. facies nova) *following* Camden, *places it in the Year* 428.

(*i*) Ad onus recognitionis juramenti fidelitatis & certorum onerum militarium, pro modo redditiuum feudi, & ad onus renovationis inveſtituræ, *&c.*

(*k*) Ibid.

(*l*) Ad dominatum rerum omnium occupandum ſic aſſuefecerunt, ut nemo terræ glebam niſi eorum beneficio poſſideret. *Bodin. de Repub.* lib. 2. c. 2. p. 191.

(*m*) *This Account is given by* Herman. Vulteius, de Feud. *p.* 11. *where he quotes many others.*

(*n*) Grot. Prolegom. in Hiſt. Goth. *&c.*

(*o*) Sheringham Diſcept. de origine Gentis Anglor. *tells us, That from the antient* Scandians *were deriv'd the* Jules, Gules *or* Getes, *who neſted in part*

But to carry this Proof a little farther. *Bodin* in the place above mention'd tells us, That the other Nations from the North, among whom he reckons our *Saxons* and *Angles*, when they had learn'd *Hunnorum mores ac dominandi illecebras, the Customs of the* Hunns, *and the Pleasures of Dominion, rendring themselves Masters of all, took to themselves the most fertile Land, and gave the* usufructus *of the rest to the old Inhabitants, under the Assurance of their Fidelity (p).*

The Britans *ill treated by the* Saxons.

The account that our Historians give us of the Severities of *Hengist* and *Horsa* against the *Britans*, to whose Assistance they were call'd in by *Vortigern*, makes a very dismal and tragical History.

The *Britans* being reduc'd to the most miserable Extremities, 'tis easy to imagine that their Enemies call'd themselves Masters of their Lands, and dispos'd of 'em after the manner *Bodin* mentions.

'Tis plain from the general Testimony of Writers, that 'twas so. Mr. *Bacon*, who was not too violent a Stickler for the Prerogative, tells us of those first People who came in hither, That *when they swarm'd from their Hives in foreign Parts, they came in a warlike manner under one Conductor, whom they call'd a King (q).* In another place he says that 'the Power of the *Saxon* Kings was double, one as a Captain, 'the other as a King: As Captain their Power was to lead the Army, punish 'according to Demerits and according to Laws, and reward according to Dis-'cretion. And after their coming into *Britain* he says, the Lands were distributed by them *(r)*. This the Mirrour of Justices, a Book of great Antiquity, and approv'd Authority, makes very clear to us in the Chapter concerning the *Constitutions made by the antient Kings*, where he tells us that in King *Alfred*'s time one of the things assented to was, "That these things following should belong to the Kings, "and to the Rights of the Crown: The sovereign Jurisdiction throughout the "whole Land unto the middest of the Sea encompassing the whole Realm, as Fran-"chises, Treasure found in the Land, Waife, Estiny, Goods of Felons and Fugi-"tives which should remain out of any ones Rights, Counties, Honours, Hun-"dreds, Wards, Goals, Forests, chief Cities, the chief parts of the Sea, the "great Mannors; these Rights the *first Kings held, and of the Residue of the Lands "they did infeoffe the Earls, Barons, Knights, Serjeants, and others, to hold of the Kings "by the Services provided, and ordain'd for the Defence of the Realm, according to the "Articles of the antient Kings (s).*

The Power of the Saxon *Kings.*

All Estates the Gift of the Kings of this Land.

Here we have an exact Account of the Original of Estates, and do learn that they are deriv'd from the Gift of the Kings of this Land. If it be ask'd whom did *Alfred* mean by the first Kings, we may be assur'd that he look'd as high as the entrance of the first *Saxons* into this Kingdom.

That they seiz'd and distributed Estates according to their Pleasure, as the *Danish* Conquerors here, and the *Norman* did afterwards, would be manifest, tho this Ordinance in King *Alfred*'s time had not plainly told us so. *Hengist* and *Horsa* were of the Race of *Odin*; and the People who came under their Command, as they were of the same *Scanzian* or *Gothick* Stock with those Nations which form'd great Kingdoms and feudal Constitutions in *Lombardy*, *France*, and the other parts of *Europe*, so did they issue from the same Soil with those *Danes*, who above 400 Years after, and with the *Normans*, who near 200 Years after them brought their victorious Arms into this Country. As therefore the *Norman* Conqueror challeng'd the Property, and dispos'd of the Lands of this Kingdom (which is so evident that I shall not here trouble my Reader with the proof of it) and as the other Nations of the *Scandinavian* Race in the Age of our first Conquerors and afterwards laid the Pattern which the *Norman* follow'd, so we must reckon *Hengist* and *Horsa* did; and that they all copy'd after *Odin* their first Leader.

The Foundation of the K's Right and Property.

Secondly, The nature of Estates, and the Conditions of their Tenure do plainly shew, that they were given originally by the Kings; and that this is the Foundation of that unalterable Right and Property which former Ages have allow'd them in those Lands.

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part of Germany, *and were afterwards call'd* Saxons. *The Learned Bishop* Usher, Antiquit. Eccles. Brit. *says*, p. 214, 115. *That* Hengist *and* Horsa, *the first reputed* Saxons, *with their Forces came from the* Danish Friezland, *and others after them from* Jutland. *Here* Ptolomy *and* Marcianus *place the* Saxons, *according to* Selden, Mare claus. l. 2. c. 6.

(p) Se rerum omnium dominos ferentes, fertilissima quæque prædia sibi reservarunt, cætera *fiduciæ* nomine veteribus colonis fruenda reliquerunt.

(q) *Historical Discourse of the Uniformity of the Government of* England, *pag.* 202.

(r) Ibid. p. 50, 51.

(s) *Mirrour of Justices*, c. 1. §. 3.

This

This is manifeſt in our Tenures, and 'tis plain in all the Kingdoms where the *Gothick* Nations ſettl'd and introduc'd their feudal Conſtitution. The Prince is every where Lord of the Fee, and has the ſupreme and direct Dominion of it. The Subject has but the uſe, and but a ſhew of the Dominion *(a)*. This is what the whole Croud of feudal Writers tell us. We don't ſay, ſays *Duarenus*, that the Dominion is transfer'd on the *Feudatory*; he has the Ground given him only to reap the Fruit of it *(b)*.

The King has the ſupremum Dominium.

This is all that can be given in a Fee; for what the Learned *Molinæus* aſſerts, That the *direct Dominion cannot be alienated, abdicated or preſcrib'd (c)*, is the Doctrine of all the feudal Lawyers. This muſt always remain to the Donor, and hence it is that the Learned *Cujacius* diſtinguiſhes between the Fee, and the immoveable thing which is the ſubject Matter of the Fee *(d)*.

The Fee unalienable.

This then being the nature of a Subject's Eſtate, ſince as our Countryman Mr. *Somner* tells us, the Land is only *partially, conditionally, not totally and abſolutely granted (e)*; ſince the *utile Dominium* (as Lawyers term it) is only transfer'd, and the Propriety abides ſtill in the King; it is manifeſt what Eſtates Subjects have, and whence originally deriv'd.

The Services annex'd to them, and the Conditions under which they were firſt granted, and are ſtill held in all Countries where the *Gothick* Governments have been ſettl'd, are a farther Proof of this. The Word *Feudum* or *Fee*, which is the name of all Eſtates given by the Princes of *Gothick* Race, in its known Signification denotes a conditional Eſtate, ſuch as is held by Service and Fealty. So much we are taught even from the definition of the Word, as we find it deliver'd by Men learned in the Laws of the Feuds *(f)*. They tell us that *Fee* has its name from Fealty *(g)*: That this alone conſtitutes the Fee, and denotes the very Form and Subſtance of it *(h)*: That the King can't abdicate Fidelity and the direct Dominion of the Eſtate *(i)*: That this is ſo eſſential to the Fee, that no Covenant can be made againſt the Performance of it *(k)*: That tho Mony be paid for the Land, yet this will be nevertheleſs due *(l)*: That tho the Oath be ſpar'd, yet this muſt go always with the Fee *(m)*: That the failing in this Service is the Loſs of Fee *(n)*.

A feudal Eſtate held by Service and Fealty.

Eſſential Condition of the Fee is unalienable, viz. *Service.*

As *England* was ſeveral times overrun by the ſame Race of People which founded the Gothick Government in *Europe*, ſo are our Eſtates of the ſame nature and condition with theirs.

'No Man *(ſays our learned Countryman Sir* Thomas Smith) holdeth Land ſimply 'free in *England*, but he or ſhe that holdeth the Crown of *England*. All free 'Land in *England* is holden *in Feodo*, which is as much as to ſay *in Fide*, or *Fiducia*, 'that is, in Truſt and Confidence that he ſhall be true to the Lord of whom he holds 'it, and pay ſuch Rent, do ſuch Service, and obſerve ſuch Conditions as were an- 'nexed to the firſt Donation. Thus none but the Princes are *veri Domini*, but rather '*fiduciarii Domini*, and *Poſſeſſores*.

All Lands in England *held of the Crown.*

'This, *ſays he*, is a more likely Interpretation than that of *Littleton*, who ſaith 'that *feodum eſt idem quod hæreditas*, *Fee is the ſame with Inheritance*, which it doth

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(*a*) Uſusfructus, & quaſi dominium. Arn. Corvin. de jure feud. p. 123.

(*b*) Non dicimus dominium transferri in beneficiarium, ſed tantum datur ei fundus fruendus. Duaren. c. 2. §. 2.

(*c*) Cum directum illud Dominium in quo Rex Franciæ eſt fundatus in toto Regno, etiam in temporalitate Eccleſiarum, ſecund. Panormitan. in c. *veniens*. colum. 1. de acceſſ. fit de juribus coronæ, ſequitur quod non poteſt alienari, abdicari, nec præſcribi. Molin. Tit. de fiefs. §. 51. nu. 99. p. 1170.

(*d*) Feudum non eſt res ipſa immobilis quæ in feudum datur: res eſt materia feudi: multum autem intereſt materiam feudi & feudum. Cujac. in d. c. 1. ——Vulteius, p. 20.

(*e*) *Treatiſe of* Gavelkind, p. 109.

(*f*) Feudum eſt uſusfructus quidem rei immobilis ſub conditione fidei. Vulteius de Feudis, l. 1. c. 2. §. 9. ——Eſt jus prædio alieno utendi fruendi, quod pro beneficio Dominus ea lege dat, ut qui accipit ſibi fidem & militiæ munus, aliudve ſervitium exhibeat. Cujac. in princ. comm. feud.

(*g*) Feudum a fidelitate dictum eſt. Duaren. in conſuetud. feudor. c. 2. §. 3. Herman. Vult. p. 108.

(*h*) Fides ſola eſt quæ feudum ineſſe deducit. Vulteius p. 25. Feudi proprium, ſeu ſpecifica differentia eſt fidelitas. Molin. Tom. 1. f. 1326. nu. 13.

(*i*) Fidelitatem & directum dominium Rex remittere & abdicare non poteſt, quia iſta eſſet expropriatio, quæ non poteſt fieri a ſupremo Principe. Bald. in prælud. feudorum colum. 8. vertic. expedita. Molin. Tom. 1. p. 1170. nu. 99.

(*k*) Ut fides non præſtetur conveniri nullo modo poteſt. Duaren. in conſuetud. feudor. c. 2. §. 3.

(*l*) Debitur fides & obſequium etiamſi pecunia intervenerit tanquam merces. Duaren. in conſuetud. feudor. c. 2. Sect. 5.

(*m*) Licet non exprimatur (nempe fidelitas) tamen tacite in verbo præſtationis ſemper intelligitur, & domini ſuperioris perſonæ adhæret: quod opponitur, quod pactum feudi interponi poteſt, ut ſine ſacramento fidelitatis vaſſallus feudum habeat, de ſacramento ſolo ſeu juramento intelligunt omnes. Craig. de jure feud. p. 47.

(*n*) Hot. de Feud. Diſp. 38. Col. 886. D, E. &c.

'betoken

'betoken in no Language. This happeneth many times to Men of great Parts and 'Learning, yet not skill'd in many Tongues, or mark not the deduction of words, 'which Time doth alter (*o*). Thus far that Learned Man.

If by *Inheritance Littleton* means a perpetual Eſtate, ſuch as will deſcend to the Heirs, whilſt they continue and perform the Duties annex'd to it, his manner of ſpeaking may be born as things ſtood in his Time, and do now in the feudal World. For ſince *Feuds*, which at firſt were given only during Pleaſure (which ſhews that they were purely of the Gift of the Prince) afterwards for a Year, then for Life, then to the Feudatary and his Sons, have for ſome Ages been allow'd to paſs in Inheritance (*p*); this Name, which in the younger days of the Feuds would have been a Soleciſm, and is ſtill quarrel'd at by ſome nice Feudiſts, may paſs among us.

Feuds at firſt given during Pleaſure.

But if he mean an abſolute Eſtate, 'tis what the Word will not bear. *Feodum ſimplex*, *Fee ſimple*, he ſays, *is as much as to ſay, lawful and pure Inheritance.* And my Lord *Coke*'s Comment on *Simplex* is, *That the Fee is deſcendible to his Heirs generally, that is, ſimply, without reſtraint to the Heirs of his Body, or the like* (*q*). The Feudiſts give us quite another Account of a *Fee Simple.* They tell us, that 'tis that *Fee for which when a Man ſwears Fealty, his Oath runs with a ſaving to that Fidelity which he owes to another:* That is, 'tis a Fee not holden immediately from the King, but from ſome other common Perſon. And 'tis call'd ſo to diſtinguiſh it from *Feudum Ligium*, *Liege Fee*, for which he that is infeoffed ſwears without any Exception or Saving in his Oath (*r*): That is, he holds it immediately from the King, and does *fealty* to him alone. So that in ſtrict ſpeaking, according to the Feudal Writers, to call an Eſtate held from the King *Feodum ſimplex*, or *Fee ſimple*, is as improper as to call an Eſtate which is in the hands of the King, a *Feodum* or *Fee*; and yet we find the firſt frequently done in our Books, and the latter in Acts of Parliament. But this muſt be allow'd when Men great and eminent in their Profeſſions alter the ſignification of Terms.

Feudum *is a Right derived from the ſupreme Lord.*

Now *Feudum* 'tis certain is a deriv'd Right, and founded in him who hath the ſupreme Dominion, in conſideration whereof all Lands held by Subjects are burden'd with Services. This is as evident from the Fealty, Services and Tenures in uſe among us in the Times of our firſt *Saxon* Kings, as from the ſtate of things ſince the entrance of the *Normans.* In the firſt diſtribution of Lands, Duties and Services were annexed to them, which have held to this day, and muſt continue for ever. In reſpect of them what the Feudiſts ſay is true: *Origo feudi ſemper inſpicienda eſt uſq; in infinitum* (*s*); the original Settlement of the Fee is for ever to be regarded. Tho the burdenſom Services are taken away, yet the Lands ſtill remain holden: the Lord or King himſelf cannot (as I have ſhewn) remit Fealty, nor part with the Property and direct Dominion of the Land. And ſo it is that my Lord *Coke* tells us, That all Lands and Tenements in *England* in the hands of Subjects are holden mediately or immediately of the King, and that we have not in the Law of *England* properly *Allodium.*

The King cannot part with the direct Dominion of the Lands.

'Tis ſure that where the Property of all Lands belongs to the King, and the Subjects owe Services for that *utile dominium* which they have, they can't be ſaid to hold their Eſtates freely, as they ſay the Prince of *Hainault* does, from God and the Sun.

If what has been ſaid proves the King's Right to grant Forfeitures and other Revenues of the Crown, it may give occaſion to conſider the Hardſhips which his Majeſty's Grantees, Purchaſers, and Improvers, do ſuffer in being depriv'd of Legal Titles.

The Hardſhips great by the Act of Reſumption.

This Hardſhip may be thought the greater, ſince it appears that this is a Right belonging originally to the King himſelf, not deriv'd from any Gift of the People. Curious and nice Men, who look nearly into things, and are for preſerving the old Land-mark, and keeping ſcrupulouſly within the exact Boundaries of our Conſtitu-

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(*o*) *Sir* Thomas Smith's *Commonwealth of* England, *lib.* 3. *c.* 10.

(*p*) Vid. hæc omnia apud Craig de jure feud. *pag.* 20, 21, 22.

(*q*) Coke 1*ſt Part*, f. 1. A. B.

(*r*) Quid ſit homo ligius quæritur, & quid feodum ligium, docet gloſſa in c. d. & Specul. in Tit. de feudis. Eſtq; videlicet cum quis fidelitate alterius aſtringitur, nullius fidelitate excepta. Si quis enim jurat fidelitatem alicui excepto alio, feudum hoc *ſimplex* eſt, non *ligium.* Duaren. in Conſ. feud. *l.* 4. *Sect.* 2.

(*s*) Duaren. in Conſuetud. Feud. *c.* 13. *Sect.* 6.

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tion, reckon this an Argument to prove the King's Right ſacred and inviolable. This indeed muſt be allow'd in favour of their Sentiments, that it ſeems to be the Opinion of all former Ages. Many great Sages and Interpreters of our Law tell us, that there are ſome Prerogatives of the Crown, which cannot be taken away by any Law. There is no Prerogative that has ſo juſt a Claim to this Privilege as that of the King to reward the Services of his Subjects with Grants of Forfeitures to the Crown. This is a Power which he has over his own Eſtate; and an attempt to do that which deſtroys this Right, deſtroys Property, the greateſt and I had almoſt ſaid, in ſtrict ſpeaking, the only Property in this Land.

This Act prejudicial to the King's Prerogative.

The Complaints which ſome Men, zealous for our Conſtitution, and the Antient Rights of the Crown, utter upon this Occaſion, will, I know, ſeem unreaſonable to thoſe who diſtinguiſh between an Act that deſtroys a Prerogative abſolutely, and that which in a ſingle Inſtance ſeizeth the Rights of the Prerogative for the Uſe of the Publick. This Diſtinction, however material it be, yet will have but little weight with Men of one way of reaſoning, thoſe I mean who can be more eaſily reconcil'd to an Act, which, without touching any Man's preſent Right, ſhould debar our Kings from making Grants for the future, than to one that ſhould deprive People of Legal Rights by reſuming the Prince's Grants. An Act of the latter kind would be manifeſtly inconvenient to thoſe who were hurt by it: If the former ſhould in future Ages happen to be ſo, by the King's wanting the neceſſary Materials for governing well, and rewarding the good Services of his Subjects, he would find ſome among the greateſt Men of the Law, who reckon themſelves oblig'd not to aſſent to any thing that may tend to the Prejudice of the King, or Diſheriſon of his Crown, to help him out of the Inconvenience, by trumping up the Rights of his Prerogative, by telling him that the Act of one King cannot deprive his Succeſſors of the antient Prerogatives of the Crown, and that the Concurrence of the other States of the Kingdom can't give ſufficient Force to ſuch an Act, becauſe it can't be imagin'd how in reaſon they who hold their Eſtates only upon Condition from the King, ſhould have a Power to take away that Right which belongs to him who founded thoſe Eſtates. There would, I ſay, be found Men who would reaſon thus; and to back their Reaſon with Authority, they would tell him that other Kings, particularly his Anceſtors the Kings of *Scotland*, notwithſtanding Acts of Parliament to prohibit them, inſiſted upon their Right, and granted away the Revenues of the Crown.

But allowing that this Act deſtroys not the Prerogative abſolutely, becauſe it looks not beyond the preſent, and perhaps may never be drawn into Example hereafter; yet does it not afford matter of Objection to thoſe who know that it deſtroys his preſent Majeſty's Right?

How the King has conſented to the Act.

The common Anſwer is, That there is no room for this Objection, becauſe the King conſented to the Act, and *Volenti non fit Injuria.* 'Tis true, a Man can't juſtly complain of Hardſhip, when he himſelf has conſented to it, when 'tis his own voluntary Act: But then it ought to be truly voluntary, it ought to be free, and under no Preſſures of Neceſſity. It often happens that when two things are propos'd, one of them has the preference and determination of the Will, which yet is very inconvenient, and would not be choſen if the Will were free, and not conſtrain'd to chuſe it to avoid the harſher part of the Dilemma. There was a time when the King was inclin'd to give up his Right, and gratify the Publick with a good part of thoſe forfeited Eſtates, when in Parliament he declar'd his Intention to do ſo: But afterwards when his Majeſty, diſcovering by the Fate of three Bills (two of which were loſt in the Upper, and one in the Lower Houſe) that it ſeem'd not expedient to the Parliament to diveſt the Crown of its Right, and diſpoſe of thoſe Eſtates for the Uſe of the Publick, granted them away; when he ſaw likewiſe they were gone farther than his Grantees, and were become the Properties of great Numbers of his Loyal Subjects, who in Purchaſes and Improvements laid out great Sums of Mony upon them; 'tis not to be imagin'd that the Reſumption could be very agreeable to his Inclinations. Beſides the Conſequence of the Act at home, he could not but ſee that 'twould create ſome Concern to his Friends, and not a little Rejoycing to his Enemies abroad.

The Act a Hardſhip to his Majeſty & the Grantees.

But ſuppoſe what ſome ſay be true, that the Act can be no Hardſhip to the King becauſe of his Conſent, yet does it not bear too hard upon his Majeſty's Grantees, Purchaſers, and the vaſt number of Proteſtant Tenants and Improvers, ſince they were all legally ſeiz'd of their Lands and Tenements, and their Title was that by which all the Eſtates of theſe Kingdoms are held?

The Anſwer which ſome give, is a very ready and eaſy one: They ſay they were *diſſeized* by Act of Parliament, that what they do is our Act, becauſe they are our Repreſentatives; that ſince we have given up all our Right to them, we muſt without repining be concluded by what they do.

Parliamentary Power how great.

'Tis hard to ſay what Parliaments cannot do: The Boundaries of their Power not being fix'd, 'tis difficult to determine when 'tis carry'd beyond the utmoſt Extent of its Tether. But that there is a Tether to their Power is moſt certain; ſince, beſides Divine Revelation, the Law of Nature or Reaſon tells us, that there are Rules and Meaſures of Right and Wrong, which no poſitive Law of Man can exceed. That they have reckon'd themſelves ty'd to ſuch Rules, is evident from their conſtant Practice, not only in making, but alſo in repealing Laws. Of the latter kind I ſhall only produce one Example.

In the 13*th* of *Edw.* III. the Lords and Commons preſs'd the King to paſs a Law derogatory to his juſt Prerogative. That Parliament being ended, and the Kingdom repreſenting it ſelf again the ſame Year, it was enacted, 'Whereas in the laſt 'Parliament certain Articles expreſly contrary to the Laws of *England*, and the '*Prerogatives and Royal Rights*, were pretended to be granted by manner of a Sta-'tute, the King conſidering how that by the Bond of his Oath he was bound to the 'defence of ſuch Laws and Prerogatives, becauſe the King never truly conſented 'to the ſaid pretended Statute, only diſſimuled to eſchew the Dangers which by 'denying the ſame he feared to come, foraſmuch as the ſaid Parliament had other-'wiſe been without diſpatching any thing in diſcord diſſolv'd, and ſo the earneſt 'Buſineſs had likely been ruinated; it ſeem'd good to the Earls, Barons, and 'other wiſe Men, that ſince that ſaid Statute did not of the King's free Will 'proceed, the ſame ſhould be void.

This ſhews that at that time the Parliament thought hard of Statutes which bore hard upon the King, and deſtroy'd his Prerogative; and therefore they comply'd with him, when, as he was bound by Oath, he ſought for a Reſtitution of it againſt a forc'd Law.

That in making Laws they reckon themſelves tied to Rules and Meaſures of equal Juſtice, is obvious to every Man's Obſervation. If a River be to be made Navigable, tho it be ever ſo convenient for the Publick, yet don't they by that high Power which they have, as the Repreſentatives of the People, enact the doing it, till they receive the Petitions of the Aggriev'd, and conſider the Damages they ſhall ſuſtain by it.

None to be depriv'd of his Eſtate without a Treſpaſs.

If Mony be to be rais'd, they don't, in the greateſt Difficulties, and the moſt urgent Neceſſities of the Commonwealth, ſeize the Eſtates of particular Men, however worthleſs they be, and of little Conſideration to the Publick. Among us none ever is depriv'd of his Eſtate, unleſs it be for a Treſpaſs againſt the Laws: If the Practice be any where otherwiſe, ſome will think the Conſtitution is intolerable, and that the Law of Nature is not ſufficiently receiv'd in that Land, where 'tis not a receiv'd Maxim, That an innocent Perſon muſt not ſuffer.

This ſhews whether they argue right or no, who in an Inquiry concerning the Reaſon of ſeizing thoſe Forfeited Eſtates, aſſign that of the Supreme Right which the States of the Kingdom have over every Man's Property.

Why theſe Forfeitures alone reſum'd.

'Tis moſt certain that there was another Reaſon for it, ſuch as concern'd thoſe Forfeitures particularly; otherwiſe why ſhould they alone be reſum'd, and not other Lands alſo be veſted in Truſtees to defray the Charge of the War?

The Reaſons are very common, and in every ones Mouth; and ſince they are ſuch as ſet up a Title for the Publick againſt the King, and all who hold under him, I will repreſent them fairly, and leave it to my Reader to judg whether the Force of them be ſufficient to deſtroy ſo great a Right as is the firſt Prerogative of the Crown.

The Title of the Publick to theſe Forfeitures, examin'd.

The principal Title which for the Publick is ſet up to thoſe Forfeitures, is grounded on the Promiſe of the King; and the reaſoning of thoſe who defend the Reſumption runs generally in theſe words: The King promis'd to diſpoſe of theſe Forfeitures for the Uſe of the Publick: That Promiſe gave the People an Intereſt in them; after this Intereſt thus acquir'd, Grantees, Purchaſers and Tenants were faulty in medling with thoſe Lands, and defrauding the Community; therefore the Reſumption is but a reaſonable and juſt Seizure of the Rights of the People. This is commonly ſaid, and perhaps by a great many, with a farther Deſign than to deſtroy the King's Right to thoſe Forfeited Eſtates. Before I repreſent his Majeſty's Promiſe, as 'tis call'd, in his own words, and ſhew that it can't poſſibly be wreſted

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to that Senſe in which ſome People have taken a great deal of pains to have it underſtood, I ſhall deſire my Reader to conſider,

The King's Promiſe about the Forfeitures, conſider'd and vindicated.

Firſt, That they who inſiſt upon a Promiſe of the King, never take notice of the Act of the Repreſentatives of the People (which at leaſt is as much a Promiſe as the King's was) who beſides confirming the Lord *Rumney*'s Grant, by giving him an Equivalent in a former Bill, left a third part of thoſe Lands to the diſpoſal of his Majeſty.

Secondly, That this pretended Promiſe is of a Right and Intereſt which undoubtedly belongs to the Crown, and to which, by our Laws, none but the King could pretend the leaſt ſhadow of Title.

The Right of the Forfeitures inherent in the Crown.

Thirdly, That 'tis of a Right not given to the antient Kings by any Grant of the People, but inherent in the Crown, and acquired by the Kings, the firſt Founders of this Government, before they ſettled any Laws or Ordinances in the Land.

Fourthly, That 'tis a liberal and gratuitous Promiſe, and ſuch as implies no Stipulation or Contract; ſince 'twas made by the King *ex mero motu*, without any Addreſs from the States of the Kingdom, without any valuable, or indeed the leaſt Conſideration for the things promiſed.

Theſe Conſiderations I offer not as Arguments to diſſolve the Obligation of ſuch a Promiſe as is pretended; but perhaps they may be thought reaſonable Inducements to People to put a favourable Conſtruction on the King's Words, and not to ſtrain the Senſe of them too far.

Nothing more ſacred than a King's Promiſe.

If the King did promiſe that he would imploy the Forfeitures to the Uſe of the War, I will allow that they ought to have been ſo imploy'd. Nothing, I think, ought to be ſo ſacred as the Publick Faith and Declaration of Princes. This the Emperor *Tiberius* himſelf underſtood very well, when he ſaid, *Cæteris mortalibus in eo ſtant Conſilia quod ſibi conducere putant, Principum verò*, &c. 'Inferior Perſons 'may order their Counſels as they beſt ſute with their Advantage; but the Condi'tion of Potentates is very different, whoſe Actions are principally to be directed 'by Fame and Glory (*a*).

For this Reaſon it was that *Lanfranc* told *William* the Conqueror, 'That nothing 'was of ſo great moment to a Prince as Reputation, and none more than that of 'being a religious obſerver of his Word and Promiſe (*b*).

And Queen *Elizabeth* in a private Letter to King *James*, was uſed to admoniſh him, 'That a Prince muſt be ſuch a lover of Truth, that more Credit may be given 'to his bare Word, than to another's Oath (*c*).

The Promiſe is part of the King's Speech.

After having made theſe Conceſſions, 'twill concern me to ſhew, that his Majeſty was guilty of no breach of Promiſe in making Grants of the *Iriſh* Forfeitures. That Promiſe which has made ſo great a noiſe, is part of a Speech which the King made to both Houſes of Parliament, on the fifth day of *January* 1690. at the Adjournment of the Parliament. The words are theſe; 'And I do likewiſe think it pro'per to aſſure you, that I ſhall not make any Grant of the forfeited Lands in *Eng*'*land* or *Ireland*, till there be another Opportunity of ſettling that Matter in Par'liament in ſuch manner as ſhall be thought moſt expedient.

The King hath acted nothing againſt his Promiſe.

If the King did not make any Grant, till there was another opportunity of ſettling that Matter in Parliament, he was not guilty of any Breach of Promiſe; but that he did not is plain. At the time when the King made this Speech, the Lords were poſſeſſed of the Bill *that apply'd the Iriſh* Forfeitures to bear the Charge of the War: 'Twas ſent up ſome days before from the Commons.

When they met again after their Adjournment on the 31*ſt* day of *March*, the ingroſſed Bill lay before them: Will any one ſay that they had not then an *opportunity of ſettling the Matter?* Could not they have paſſed the Bill if they would? Moſt certainly. But they did what they thought more *expedient*; they let the Bill die in their Houſe, becauſe (as 'tis to be preſum'd) they would not intermeddle with the Rights and Prerogatives of the Crown. But this was not all the Opportunity the King gave them. The next Seſſion another Bill was brought in to veſt the forfeited Eſtates in *Ireland* in their Majeſties, to be apply'd to the Uſes of the War. This Bill, which allow'd a third part to be diſpos'd of by the King, was loſt in the Lords

(*a*) Tacit. Annal. *lib.* 4.
(*b*) *Sir* Will. Temple's *Introduction*, p. 237.
(*c*) Camden *and* Baker's *Life of Q.* Elizabeth.

Two Bills loſt in the Houſe of Lords.

Houſe, as the former was. The next Bill that was brought in fell in the Houſe of Commons; ſo did ſeveral others in the Years following.

After the *Claim of the Forfeitures* (as 'tis call'd) was thus diſclaim'd by both Houſes, by their giving up thoſe three Bills, his Majeſty taking this to be a tacit Submiſſion to the Prerogative, began to grant away the Forfeitures. This Promiſe (as 'tis improperly enough call'd, ſince 'tis no more than a Declaration of his Intention) was not herein the leaſt violated: For what did he promiſe, that he would not make *any Grant of the Forfeited Lands, till that Matter ſhould be ſettled in Parliament?* Theſe are not the words of his Promiſe: But ſuppoſe they had been ſo, I can't ſee how it can be ſaid that he broke it. When any Matter is propoſed to be ſettled in Parliament, there are two ways of doing it, either by paſſing the Bill or not paſſing it: If the Bill be paſs'd, 'tis ſettled according to the Humour of one ſide; if it be not paſs'd, but rejected or ſuffer'd to fall in the Houſe, 'tis ſettled according to the deſires of an oppoſite Intereſt: but in the latter Caſe the Matter is as properly ſaid to be ſettled as the former. But the King's Promiſe, as I ſaid, did not extend ſo far; he only ſaid that he would not make *any Grant till there was another Opportunity of ſettling that Matter.* There is a mighty difference between ſettling a thing, and an opportunity of ſettling it: by Opportunity we mean no more than convenient Circumſtances of Time and Place; and his Majeſty by another Opportunity could mean no more than till they, after the Adjournment, met in that place again: then the Lords had an Opportunity of paſſing the Bill which lay ingroſſed before them.

No Promiſe contain'd in the words, violated by the King.

But this, ſay ſome, is not the Senſe in which the Words were taken by the generality of People who had an Intereſt in the Promiſe; therefore they muſt be expounded according to their Senſe to whom the Promiſe was made. 'Tis not indeed the Senſe in which thoſe pretended to underſtand them, whoſe Intereſt 'twas to have them underſtood otherwiſe: But why muſt the Senſe of plain *Engliſh* be perverted to gratify their corrupt Intereſts? And what reaſon can there be for having the Words expounded according to the Senſe of thoſe who have an Intereſt in them, ſince they can't ſuffer by an equivocal or doubtful Senſe, ſince here is no Contract in which they are over-reach'd, no manner of Intereſt to which they have any claim of Right, but the Promiſe that is made proceeds from the mere Grace of the King alone?

Difference between a Stipulation and Promiſe.

There is a difference between a *Stipulation* and a *Promiſe*, and a very great one between one that promiſes, and him that only declares an Intention of doing a thing. 'Tis a Maxim in the Civil Law, *In obſcuris interpretatio debet fieri contra ſtipulatorem potius quam promiſſorem; In obſcure Matters the Interpretation ought to be made againſt a Stipulator rather than a Promiſer.* And there is another Maxim, *Promiſſori ſolent jura favere ne nimium obligetur* (*d*): *The Laws are wont to favour him that makes a Promiſe, and to take care that he ben't bound too much.* But in his Majeſty's Caſe there is no need of ſuch a favourable Interpretation, there is no obſcurity in the words; they are ſo very plain, that one can hardly take him to be an *Engliſh-man*, who underſtands them in any other Senſe than what I have deliver'd. If notwithſtanding there will be ſome who will wrangle on, and deny the Senſe of plain *Engliſh*, rather than quit the Intereſt they have in putting a forc'd and unnatural Senſe on his Majeſty's words, I ſhall endeavour to ſilence all their Cavils with the Reſolution of Biſhop *Sanderſon*, one of the moſt eminent Caſuiſts of our Nation. He diſtinguiſhes an *Obligation* where the Debt is *founded on Promiſe*, from that where the *Promiſe* is founded on *an antecedent Debt*. 'God himſelf, *ſays he*, who by Law is Debtor to no Man, yet by 'his gratuitous Promiſe makes himſelf Debtor to us: And he that by a Vow or 'Promiſe of his own accord ties himſelf to do any Act of Charity, does thereby 'contract a Debt. But becauſe this Debt is not founded in any Right that he has 'to whom the Promiſe is made, but flows from the mere free and gratuitous Act of 'the Promiſer, 'tis highly equitable that he be permitted to explain how much, after 'what manner, and in what ſenſe he intended to oblige himſelf (*e*).

The King's Title clear'd.

After what I have ſaid in this Diſcourſe concerning the King's Title, no one, I believe, will be ſo hardy, as to ſay that the *King's Promiſe* (as 'tis call'd) was not

(*d*) Rittech. part. feud. cap. 17. q. 25. in fine libri. Vid. Magirum de advocatiâ, p. 583. nu. 16, 17.

(*e*) Sanderſon de juramenti obligatione, Prælect. 6. Sect. 9. p. 120, 121.

purely

purely gratuitous, or that 'twas founded in any Right which was antecedently in them to whom the Promiſe was made: The Conſequence then muſt be, according to the Learned Biſhop *Sanderſon*, that he muſt be allow'd to interpret his own Promiſe.

His Majeſty, by granting away the Forfeited Eſtates, after that both Lords and Commons in effect told him, that they would not meddle with the Rights of the Prerogative, has plainly told us, that he meant by thoſe words what they truly ſignify, and not that *Foreign* Senſe which ſome have put upon them. It follows then, notwithſtanding that imaginary Right convey'd by the King's Promiſe, that his Majeſty had a Right ſtill to make Grants of thoſe Forfeitures; and conſequently that Grantees, Purchaſers, Tenents and Improvers, had legal Titles, and were *bonæ fidei poſſeſſores*. *The Grantees had legal Titles.*

Since then 'tis manifeſt that the King's Promiſe could make no Alteration in his Right, we are to conſider what other Title is ſet up for the Publick.

The Author of the *Diſcourſe on Reſumptions* tells us, 'That the Peoples Right to 'the Forfeited Eſtates in *Ireland* is founded upon the Mony which has been levy'd in '*England*, and expended upon that War. To give this Doctrine of his the more force, and to ſtrengthen the Peoples Title, he tells us, That from the Time of *Henry* the Second 'twas ſo *(f)*. That which it concerns me therefore to enquire is,

Firſt, Whether the firſt Settlement of that Country favours this Right he ſets up.

Secondly, Whether the Mony expended on the War gives us a Title to the Eſtates.

As to the firſt he tells us, 'That from the time of *Henry* II. *Ireland* has been 'made almoſt conſtantly to contribute ſomething towards its Conqueſt or Reduc-'tion. In the very beginning, *viz. Ann.* 1170. part of its Lands were given to 'the Adventurers, *Robert Fitz-Stephen* and *Maurice Fitz-Gerald*, *David Barry*, *Hervy* '*de Monte Mariſco*, *William Nott*, *Maurice de Prendregraſt*, *Meyler*, *Richard Strong-*'*bow* Earl of *Chepſtow*, and others. *Lands in Ireland given to ſeveral ſince H. II. time.*

This is a very extraordinary Account, and ſuch as demonſtrates that the Author did not give himſelf the trouble to examine the Hiſtory of thoſe firſt Acquiſitions; if he had, he would not have mention'd that which makes clearly againſt him. The true Account is thus:

Dermot Mac Morogh Prince of *Leinſter*, and one of the five old Kings of *Ireland*, being overcome by other Princes of that Kingdom, apply'd for Succour to King *Henry* the Second then in *Aquitain*. He not being at that time able to aſſiſt him, by Letters Patents granted Licence to any of his Subjects to give him their Aſſiſtance: He agreed in one place with *Richard Strongbow* Earl of *Chepſtow* (one of theſe Adventurers mention'd by our Author) that the Earl ſhould the next Spring aſſiſt him in the recovering of his Country, that *Dermot* ſhould give him his Daughter in marriage with the Succeſſion of his Kingdom. *Robert Fitz-Stephen* and *Maurice Fitz-Gerald* (the other Adventurers here mention'd by him, whom the others he names accompany'd in that Expedition) made a Contract with him, that on condition he would grant them the City of *Wexford* in fee with two Cantreds (or Hundreds) adjoining (which are the old *Engliſh* Baronies in the County of *Wexford*) they would aſſiſt him the next Spring. *The true Account of thoſe Matters.*

In ſhort, *Fitz-Stephen* and *Fitz-Gerald* went over firſt to his Aſſiſtance, recover'd *Wexford*, and in a manner the reſt of his Territories: And they had that City and Lands from him according to contract. After them *Strongbow* went over, and deſign'd the Conqueſt of the whole Kingdom, which *Mac Morogh* propos'd to him; he with the Aſſiſtance of the others, got quiet poſſeſſion of *Dublin*, and ſettled *Mac-Morogh* in quiet poſſeſſion of his Kingdom, which he marrying his Daughter had according to contract. Theſe are the firſt Acquiſitions in that Kingdom.

Our Author tells us, 'That if *Henry* the Second had conquer'd *Ireland* with only 'the Revenues of the Crown, without any Aid from his People, that Kingdom had 'been his own, *Pleno Jure*, as Civilians call it——But becauſe the Kingdom was 'conquer'd at the general Expence of *England*, the Commonwealth here has always 'took it ſelf to have an Intereſt to bind that Kingdom by Laws, *&c. (g)*.

(f) Pag. 412.

(g) Diſcourſe on Reſumptions, p. 208, 209.

The

The Kingdom of *England* is mightily oblig'd to this Gentleman, and our Parliament has Reaſon to thank him for his large Conceſſions. They have other than what he gives, and even Mr. *Cary* of *Briſtol* might have reminded him of a conſiderable one, for that Power which they claim over that Kingdom.

How K. H. II. *made his Acquiſitions in* Ireland.

But let us ſee how 'twas K. *Henry* the Second made his Acquiſitions, and whether that will make for the Peoples Right againſt the King at this time. The King hearing what Progreſs the Earl of *Chepſtow* made, began to have a hankering after his Acquiſitions: *Strongbow* therefore ſent *Reymund* one of his Followers with a Letter to the King then in *Aquitain*, in which he put him in mind that he had his Licence to aſſiſt *Dermot*, and tells him that as what he acquir'd proceeded from his Munificence, ſo it was all at his Command, and ſhould return to him whenever he pleas'd. Afterwards 'twas agreed in *England* that he ſhould deliver up to the King *Dublin*, with the Cantreds, Baronies, or Hundreds adjoining, and all the maritime Towns and Caſtles; and he and his Heirs ſhould hold of the King all the reſt that he had obtain'd. In like manner did King *Henry* force *Fitz-Stephen* to reſign *Wexford*, and the Lands adjoining.

Strongbow's *Letter to* H. II.

Fitz-Stephen *delivers* Wexford *to* H. II.

This was the firſt Acquiſition of King *Henry* in *Ireland*; 'twas a very eaſy one, and coſt the People of *England* nothing.

After this Bargain made with *Strongbow*, the King himſelf ſet out for *Ireland*, and landed at *Waterford* the 18*th* of *October*, 1172. Whilſt he was in that Kingdom, moſt of the Kings and mighty Men of *Ireland*, except the King of *Conaught*, who call'd himſelf King of all *Ireland*, came in, ſubmitted, and ſwore Fealty to him.

Ireland *ſubmits to* Henry II.

This was the Conqueſt made by this Prince, which will never favour the Author's Doctrine for deſtroying the King's Title, and the People of *England*'s having a better Right to the Lands now, becauſe that Kingdom was then conquer'd at the general expence of *England*. The Territories which he obtain'd coſt *England* no Mony, for they were taken from *Strongbow* and *Fitz-Stephen*, who had them from *Macmorough*; nor was there any Blood ſpilt in that Conqueſt.

But 'twill be ſaid that the King conquer'd, becauſe the Princes of the Land ſubmitted to him. 'Tis true, there may be a very full and abſolute Conqueſt without fighting. Since then the Conqueſt which he obtain'd over thoſe Princes, by bringing them to ſuch Submiſſions, was owing to the Forces which he carry'd over, which were rais'd at the general Charge of *England*, 'twill be urg'd that this gave the People a Title to the Perquiſites of the Conqueſt. Tho that really had been ſo, yet this does not follow. People may be at a vaſt Charge in raiſing Mony to carry on a War, and yet the Prince may diſpoſe of the conquer'd Lands, if the Law and Conſtitution of the Country be ſo.

Hen. II. *got* Ireland *by his own Forces paid by himſelf.*

But this was not King *Henry* the Second's Caſe; he made the Acquiſition *by his own Sword and Bow, and by Troops paid out of his own Purſe.*

Several Chronicles tell us, that tho he maintain'd great Wars, yet he never demanded Subſidy of his Subjects (*b*). If there had any extraordinary Tax been rais'd upon this Kingdom for the Charge of his *Iriſh* Expedition, ſome of our Hiſtories would have told us of it.

The large Dominions of Hen. II.

'Twill be ask'd then, how was it carry'd on? The Queſtion will be eaſily ſatisfy'd. Firſt, 'tis to be conſider'd that his Dominions were larger than thoſe of any of the former Kings of *England*: for he had *England* and *Normandy* by deſcent from his Mother *Maud* the Empreſs, *Anjoy* and *Main* from his Father *Geffery Plantagenet*, and *Aquitain* by his Wife *Elenor*. His Treaſure likewiſe was very great; for after his Death 'twas found to be nine hundred thouſand Pounds, beſides Jewels and Plate. This was a prodigious Sum in thoſe days. The Charge of his *Iriſh* Expedition could not be great: The Deſign of it ſeems to have been no more than to ſecure and ſettle the Territories ſurrender'd by *Strongbow*, and to frighten the little Princes of that Country into Submiſſion; for he advanc'd no farther than the Adventurers had done before, and had no Action during his ſtay there. For this Undertaking, or if indeed he had deſign to ſubdue the Kingdom, a ſmall Body of Men would have ſerv'd. *Robert Fitz-Stephen*, who landed firſt in the Country, had but 390 Men, which, with the Aſſiſtance he was to find with *Macmorough*, were to ſuſtain all the Force of the Enemy. And *Strongbow*, who deſign'd the Conqueſt of the whole Kingdom, carry'd over only 1200 Men. King *Henry* therefore could not think a great

His Treaſure at his Death 900000 l.

Strongb. *carry'd into* Ireland *but* 1200 *Men.*

(*b*) Speed, Baker; Heywood's Hen. 4. 1*ſt* Part, p. 56.

number

number of Men neceſſary for what he deſign'd to execute. Five hundred Knights or Men at Arms, and ſome ordinary Horſemen and Archers were the whole of his Army. But muſt not the Charge of this Army, ſuch as it was, be neceſſarily defray'd by his *Engliſh* Subjects? No: if he had not been Maſter of that great Treaſure I mention'd, there was another ready way to do it. Thoſe who held of him by Knights Service, were by their Tenures oblig'd to follow him into his foreign Wars; and of thoſe who hold in Eſcuage particularly, the Service is commonly called *Servitium forinſecum* (*i*). This *Littleton* tells us: *They who hold by Eſcuage*, ſays he, *ought to do their Service out of the Realm* (*k*). Of thoſe who held Lands of him by Knights Service were the 500 Knights who accompany'd him into *Ireland*. What therefore he obtain'd by means of them, was (to ſpeak in the Phraſe of our Author) *an Acquiſition made by his own Sword and Bow, and by Troops paid out of his own Purſe*. Had it been done by the Rents receiv'd out of the Lands, it muſt neceſſarily be allow'd to have been ſo: But theſe Tenures were the very ſame thing, for they were reſerv'd inſtead of Rent: And *Littleton* and my Lord *Coke* both tell us, That Eſcuage after a Voyage Royal may be aſſeſſed and made certain (*l*). This Service was ſo conſiderable in the time of King *Henry* the Second, that we are told one Scutage in the fifth year of his Reign, to raiſe Men for the Siege of *Tholoſe*, came to one hundred and eighty thouſand Pounds.

H. II. *carry'd into* Ireland *only* 500 *Knights.*

Tenure of Eſcuage what it is.

From what I have ſaid it appears that the firſt Acquiſitions made not at all againſt the King, and are no Argument for a Right in the People now to diſpoſe of Eſtates there, ſince the firſt Acquiſitions were not made by their Treaſure, as this Author pretends. I come now to conſider,

Secondly, Whether the Mony we have expended gives us a Title to thoſe Lands. The Author does not ſay, that whenever we expend Mony in War, we ought to be reimburs'd again. No, he allows, that where the Honour of the Prince, and the Honour or Intereſt of the Nation are concern'd againſt a foreign Enemy, moſt certainly we are to give neceſſary Aids and Subſidies, without proſpect of reaping any other Frnit from our Expences than Fame and Safety; but when *England* has to do with its own Subjects, he thinks they ought to be brought to pay a part of the Reckoning (*m*). This perhaps may be reaſonable, and the Proteſtants of *Ireland* ſay they have paid a very large Part, and yet own Obligations to *England* for their Succour. I have heard ſome of 'em offer to demonſtrate, whenever we will come to account, that the Troubles of *Ireland* coſt them forty times as much as they have coſt us, in proportion to our Numbers and Eſtates. This is paying part of the Reckoning with a witneſs: but if more ought ſtill to be paid, why ſhould it not be levy'd on the Kingdom in general? Why ſhould the Proteſtants, who had Grants from his Majeſty in conſideration of their Loſſes, as well as Services in that Kingdom? Why ſhould *Engliſh* Purchaſers and Improvers pay the whole? Why ſhould the *Iriſh* be favour'd, who were the Cauſe of that great Expence?

Q. Whether the Mony expended gives a Title to the Lands in Ireland.

The Troubles of Ireland *more chargeable to the* Iriſh *Proteſtants than to* England.

But my Author ſays, that 'the People of *England* are to be look'd upon as Adventurers, the Mony levy'd and expended is their Adventure, and the forfeited 'Eſtates ought to be the Return. 'Tis a very fair Return, when People have that which they adventur'd for. The *French* were Adventurers in that Kingdom, but have no Lands for their Adventure; yet don't they think their Mony thrown away, ſince they gave ſo great a Diverſion to our Troops there. We have all we aim'd at in that Expedition.

First, We undertook it to render our ſelves ſecure at home, which we knew could not be, if the *Iriſh* had the Lands, and the *French* the Ports of the Kingdom.

The Deſign of reducing Ireland.

Secondly, Our deſign was not only to ſubdue the Rebels in *Ireland*, but to oppoſe the Force of our Enemy the *French* King, with whom we had a great War on the Continent.

Thirdly, 'Twas to preſerve our antient Glory, which we had ſhamefully abandon'd, had we given up that Kingdom to our Enemies.

Fourthly, 'Twas to ſuccour our Proteſtant Brethren there, who had brought themſelves under great Difficulties by adhering to our Intereſt. All that we adventur'd for was Security and Glory: Theſe we acquir'd by that Expedition; but if we

The Proteſtants in Ireland *ſecur'd.*

(*i*) Bacon's *Uniformity of the* Engliſh *Government*, pag. 298.

(*k*) Littleton's *Tenures*, lib. 2. Sect. 155.

(*l*) Coke 1*ſt Part*, fol. 72. A. B.

(*m*) *Diſcourſe on Reſumptions*, pag. 411, 412.

offer

The great Smyrna Fleet preserved in Ireland.

offer to take more than theſe juſt Returns of our Adventure, we run a great hazard of leſſening both. Nor is this all the Return we have had; The great *Smyrna* Fleet (to ſay no more) which plainly eſcap'd the Enemy by getting into Harbour in that Kingdom, did much more than reimburſe us all the Treaſure that we ſent thither to defray the Charge of that War. Theſe and all other Advantages, which in future Ages we ſhall reap by the Reduction of that Kingdom (which in all probability are no leſs than the preſervation of our own) are to be accounted the Returns of that Adventure.

The Forfeitures can be no part of the Acquiſition, they belong'd to the King, and, in ſtrict ſpeaking, were his before we were at any expence in the War. 'Twas purely the Rebellion of his Subjects, which was prior to our Expedition to reduce them, that gave the King a Title to thoſe Eſtates; and a bare Attainder and Conviction, which is no more than an Evidence of their Treſpaſs, was enough to veſt the Lands in his Majeſty.

But ſtill 'tis urg'd, that 'tis reaſonable that, our Charges conſider'd, thoſe Lands ſhould go towards eaſing us in our Taxes. When we argue about what may be accounted reaſonable or unreaſonable in this Caſe, we are to conſider thoſe Eſtates in two different Circumſtances of time: Firſt, whilſt they were in his Majeſty's Hands. Secondly, after they were granted away by him.

Whilſt they were in his Majeſty's Hands, I will allow it might be reaſonable enough to deſire a part of them to defray the Charge of the War, when the Value of them was reckon'd to be ſo conſiderable as they were then repreſented. In this Caſe neither the Prerogative nor any of the King's Subjects had ſuffer'd by it.

Grants made with the Allowance of the States.

After that his Majeſty, not without the Allowance of the States of the Kingdom, had granted them away, the Caſe is alter'd, they were made the Property of others: and 'tis humbly offer'd to be conſider'd, whether this may not be too great a hardſhip on the King, on thoſe who had Grants from his Majeſty, and on Purchaſers, Tenents, and Improvers.

The King's undoubted Plea for thoſe Forfeitures.

Firſt, As to his Majeſty, it muſt be own'd that he had an undoubted Title. Had *Domitian* the *Roman* Emperor been King of *England*, had he during the great War we were ingaged in, not concerned himſelf with the Toils and Dangers of the War, and minded nothing but his little Diverſion of killing Flies, yet would he by our Conſtitution, have a Right to diſpoſe of the Forfeitures, and his Grants would be good. His Majeſty has fought our Battels in *Ireland* and *Flanders*, he has preſerved our Religion and Liberties, he did reſtore the Ballance of *Europe*, he has retrieved our Glory and Reputation abroad, and has done more for us than all our Gratitude, all our Reſpect can repay. This methinks ſhould ſtrengthen a Plea for a Right which was never yet denied to any *Engliſh* King.

The Hardſhip on the Grantees.

Secondly, 'Tis to be conſider'd, whether it be not too great a Hardſhip which is put upon his Majeſty's Grantees? Their Patents gave them as good Titles to thoſe Lands as any have to their Eſtates. Their Titles, which are legal and good in themſelves, they have ſtrengthen'd by their Services. There are but very few of them who have not accompany'd his Majeſty in his Dangers, who have not had a hand in the Reduction of that Kingdom. In former Reſumptions (which were always juſt what the King was pleaſed to make them) regard was always had to thoſe whoſe Services were pleaded; here the King's neareſt Friends, the *General*, and other Leaders of his Hoſt, and many Perſons of great Merit ſuffer in the common Calamity, paſs unregarded in the general Reſumption.

The reaſonableneſs of the King's rewarding good Services.

Many ſay 'tis reaſonable it ſhould be ſo, ſince amongſt thoſe who reap'd his Majeſty's Favours, there were a conſiderable number of Foreigners. This brings into my mind a Saying of that good old Man the Lord Chancellor *Elleſmere* in his Speech touching the *Poſt-nati* in the time of King *James* I. 'There can be no Man ſo ſimple, *ſays he*, childiſh or (if they have but common Senſe) as to think his Majeſty 'ſhould have come hither amongſt us, and have left behind him in *Scotland*, and 'caſt off all his old and worthy Servants (*n*). 'Twas inconſiſtent with his and our Safety, that his preſent Majeſty in his glorious Expedition to deliver us, ſhould come into our Kingdom without a great Train of Friends and faithful Servants. If at their firſt Arrival we receiv'd them with joyful Acclamations, and his Majeſty experienc'd their Fidelity and good Services afterwards, 'tis hard to envy them

(*n*) *Lord Chancel.* Elleſmere *touching the* Poſt-nati *in* Scotland, *p.* 119.

the

the Demonſtrations they have had of his Kindneſs and Favour. 'Tis but reaſonable that a Prince, who has made ſo great a Figure in the World, and has done ſuch mighty things for us, ſhould leave conſiderable Monuments of his Reign in great and noble Families. He has indeed confer'd Honours, but they can't ſhine with any great Luſtre, when the Eſtates given to ſupport them are taken away. They who rejoice at the Act upon the account of what Foreigners ſuffer by it, are very far from conſidering the true Honour and Intereſt of this Nation. *Xenophon* told the *Athenians*, That 'twas not by force of Arms, but their good Offices to the *Greeks*, that they were plac'd at the Head of the Naval Confederacy (*o*). We ſhall always want Friends and Confederates abroad; but the way to ſecure the ſtrongeſt Intereſt in them, is not to expreſs our hatred to them, and treat them unkindly.

The Honour of the Nation ought to be conſidered.

Thirdly, 'Tis to be conſider'd whether it be not too ſevere on Purchaſers and Improvers. The former indeed have a third part of their Mony allow'd them; and probably the whole had been given, if ſome People out of an extravagant Zeal for the Publick, had not taken ſome pains to make the Parliament believe they were not only guilty of great Frauds in purchaſing, but had receiv'd their Purchaſe Mony in the mighty Profit of their Bargains. 'Tis to ſuch an Inſinuation as this we are to aſcribe that Paſſage in the Act, in the place where this third part is ſettl'd, which declares, That no ſuch Allowance ſhall be made to any ſuch Purchaſers who by Perception of Profits have been ſatisfy'd their ſaid Purchaſe Mony. The Purchaſe muſt be very eaſy, if the Rents of one Year, or a Year and half at the fartheſt, would reimburſe the Purchaſers. The Inſinuation was a very convenient way to incenſe the Parliament againſt them, and to prevent their ſhewing that Mercy which they otherwiſe probably would have done.

Prejudice done to the Purchaſers and Improvers.

The Tenents and Improvers are many thouſands in number, and ſome of them have laid out great Sums, not only in the Country, but in ſeveral places in the Cities, in building new Houſes on waſt pieces of Ground, and repairing old ones. Theſe Sufferers are in a manner all *Engliſh* Proteſtants, ſuch as in the Troubles of that Country have hazarded their Lives to ſubdue the Rebels, and keep that Kingdom in Obedience and Subjection to the Crown of *England*. And that which aggravates the Hardſhip of this Calamity is, that for the moſt part they are the very People who were ſpoil'd of their Goods, had their Cattel driven away, and their Houſes burnt during the Tyranny of their *Iriſh* Lords. Theſe People, deſtitute of Habitation, were they who had the hard fate, after their Sufferings under the lawleſs Domination of the Rebels, to be incourag'd by his Majeſty's Order whilſt the Lands were in his hands, and afterwards by his Grantees. The Labours of their younger Age the mercileſs Enemy devour'd; and what they toil'd, what they built and improv'd for their eaſe and comfort in the laſt and heavieſt Scene of their Life, is taken away by the Reſumption.

Tenants & Improvers very numerous in Irel.

Having enter'd upon this melancholy Subject, I can't but take notice of the deplorable Condition of the poor *French* Proteſtants at *Port Arlington*, which is part of the Lord *Galway*'s Grant: Thoſe poor People by the Incouragement they had had from the Compaſſion and Goodneſs of that Lord, built about one hundred and thirty neat Tenements in that place, which muſt now become the Habitations of *Iriſh* Papiſts, ſince they are the People, who (whatever they pay) will promiſe the greateſt Rent to the new Purchaſer. If neither the Services of that noble Perſon in *Piedmont* and *Ireland*, nor his Piety towards his diſtreſs'd Countrymen, nor the Greatneſs of his Title, and the Smallneſs of the Fortune which he has to ſupport it, will ſeem Motives ſufficient to reſtore him to his Eſtate, which he is depriv'd of by the Reſumption; it muſt ſeem a very extraordinary Hardſhip to People who have any Bowels of Compaſſion, to ſee ſuch a Number of miſerable People, who were a long time afflicted with ſevere Perſecution in their own Country, find ſuch Treatment in a Country to which they fled for Refuge.

The deplorable Condition of the Fr. *Proteſtants in* Port Arl.

Lord Galway's *great Merit ſlighted.*

But ſome will imagine the Purchaſers will not diſturb the Tenants. This is a wild Notion; thoſe who purchaſe Lands with the Improvements, muſt make the moſt of them: and how ſhould it be imagin'd that private Men ſhould be ſo tender-hearted, if the Parliament will not think their Caſe deſerves Compaſſion? The Caſe of all theſe Purchaſers and Improvers muſt to any conſidering Man ſeem very hard. 'Tis hard that they who ſuffer'd ſo much for the *Engliſh* Intereſt, ſhould after they betook

(*o*) *In his Diſcourſe concerning improving the Revenue of* Athens.

themſelves to Husbandry, to which they were invited by ſeveral Proclamations, and without which a greater Famine than was muſt have fallen upon that Land, after they had ſettled themſelves by their Labour and Induſtry in the toil of ſeveral Years, ſhould be thus thrown out of their Settlements. And the Caſe of thoſe who purchaſed and improved under the Lord *Rumney* and *Athlone*, as well as of their Lordſhips themſelves, may ſeem harder than ordinary, ſince the Grant of the firſt was before any Bill brought into the Houſe of Commons; and in the Bill brought in on the 12*th* of *February* 1691. there was a Clauſe for his Majeſty to grant to him Lands of the ſame Value with his former Grant: And the other Noble Lord had an Addreſs from the Houſe of Commons, and Thanks for his good Services. Of all theſe People it muſt be ſaid, that they laid out their Mony and improv'd upon good Titles; and it muſt be own'd that none were ever before depriv'd of their Properties by an *Engliſh* Act of Parliament.

L. Rumney and Lord Athlone's Grants made before any Addreſs of the Houſe of Com.

Some I know will object the ſeizure of the Abby Lands in the Reign of *Henry* the Eighth: but 'tis to be remembred that they were generally reſign'd to the king; and 'tis very well known that the Tenants were every where allow'd to continue in poſſeſſion of their Leaſes.

Objections anſwer'd.

But on the other ſide, it is ſaid of the Improver as well as Purchaſer, that he was *Felo de ſe*, and brought the Calamity on himſelf; that he knew what Claim the Commons made to thoſe Lands, and therefore ought for his own Security to have remember'd the old Maxim, *Caveat emptor*.

They who apply that Maxim in this Caſe, do, I think, ſtretch it a little too far. When the Purchaſer is required to act with Caution, that Caution can only reſpect the Laws that are in being. The moſt cautelous Man in the World can't with all his Circumſpection provide againſt a Law that may be made afterwards. If it be drawn once into practice to deprive Men of their Properties by Laws *ex poſt facto*, the Maxim *Caveat emptor* muſt be out of doors. When *Magna Charta* ſays, *Nemo amittat feudum ſuum, niſi per judicium parium aut leges terræ; Let no Man loſe his Freehold, but by the Judgment of his Peers, or the Laws of the Land:* it means the ſettled common Law of *England*, not Statutes made to puniſh after-Crimes. Theſe are the Laws that we are to have a regard to, and no one need in a well-order'd Government (and indeed cannot) extend his Caution beyond them. 'The Law, *ſays my Lord* Coke, 'is the ſureſt Sanctuary that a Man can take, and the ſtrongeſt Fortreſs 'to protect the weakeſt of all. *Lex eſt tutiſſima caſſis, & ſub clypeo legis nemo deci-'pitur* (*a*). In the Laws abroad 'tis a Maxim, *Quod lege non cavetur, in praxi non habetur* (*b*); *We Uſe no Caution but what the Law preſcribes.* In 36 *Hen.* 6. *fol.* 25. *Forteſcue* reaſons thus: *The Law is as I have ſaid, and ſo hath been always ſince the Law began.* Could not a Grantee, a Purchaſer and Tenant ſay the ſame concerning their Titles? If they could, what need was there for their uſing any further Caution?

The Purchaſers acted according to Law.

In 37 *Hen.* 6. *f.* 22. *Aſcue* reaſons thus: *Such a Charter hath been allowable in the time of our Predeceſſors, who were as ſage and learned as we.* If his Majeſty's Charters of Grants were allow'd in thoſe Times, why ſhould we be wiſer than they were? In ſhort, he is a wiſe and cautious Man enough, who is as wiſe and cautious as our Laws require him to be: He that is not ſure of that Inheritance which he has in them, cannot be ſaid to live in a free State, or under the Government of Laws. This ſhews us that notwithſtanding the Maxim *caveat Emptor*, Purchaſers and Improvers have reaſon to complain of Hardſhip.

Objection.

But further 'tis ſaid, that 'tis unreaſonable that ſuch a vaſt Sum of Mony ſhould be *intercepted from the Publick, and that we ſhould waſt our Blood and Treaſure only to enrich a few private Perſons.*

Anſwer. The Reaſonableneſs of the King's rewarding thoſe that deſerv'd well.

'Twill hardly be ſaid that 'twas unreaſonable for his Majeſty to make any Grants, ſince the Parliament has confirm'd his Mercy and Favour to ſeveral outlaw'd Perſons; nor will it be denied but that 'twas reaſonable he ſhould reward the Services of ſome others, and diſpoſe of ſomething among People whom he thought deſerving, ſince the Parliament themſelves in the height of War, when we had greateſt Occaſions for Mony, by a moſt generous Act gave one hundred thouſand Pounds to Duke *Schomberg*. That which is generally excepted againſt in his Majeſty's Grants is the vaſt Sum that is given, of which we ſhall find the Commiſſioners Eſtimate to be very extravagant.

(*a*) Coke 2*d Part*, fol. 56. (*b*) Majerus de Advocatiâ, *f.* 229. §. 386.

In

In a little Diſcourſe publiſh'd the laſt Seſſion by an anonymous Author, intituled, *The Caſe of the Forfeitures in* Ireland *fairly ſtated* (out of which, and a ſhort Letter given about by ſome unknown Hand, I muſt own I have taken ſeveral Hints) I find the Author ſays, 'Had the Forfeitures in *Ireland* been ſold for the Uſe of the Pub- *The Sale of*
'lick in the Year 1690. or ſome Years after, 'tis certain they would not have rais'd *the Forfei-*
'near two hundred thouſand Pounds. *From which he rightly infers,* The King has not *tures would*
'given to all his Friends, all that ſerved and ſuffered in that Kingdom, twice as *not have*
'much as what the Parliament gave Duke *Schomberg*. If this be ſo, there can be *yielded*
leſs reaſon for our complaining of what his Majeſty has given away, the Computa- *200000 l.*
tion could not but ſeem very odd at that time when we had ſuch large Accounts of *An. 1690.*
thoſe Forfeitures; and yet I find by Inquiry, and a ſtricter Calculation now, that he might have made his Computation a great deal lower, and brought the Forfeitures very near to the Sum given by Parliament to this great General.

In order to repreſent this Matter clearly, I will endeavour to make a probable *A probable*
Eſtimate of the Forfeitures. This is what the Truſtees in their late Report tell *Eſtimate of*
the Parliament they were not able to do. 'They have taken Methods by which they *the Forfei-*
'humbly conceive, they ſhall come to the knowledg of the Value of the Lands; but *tures.*
'by reaſon of the great Rains that have fallen this Winter, the Survey has been
'much delayed, and the Diſtricts of the Receivers are ſo large, and their Inſtruc-
'tions ſo particular, that they cannot as yet expect from them ſuch an Account as
'they may rely on, and conſequently fit to be laid before the Houſe. This I be-
lieve: The Account is very ſhort of the Return of the Commiſſioners; therefore for the very ſame Reaſon that they thought it *fit* the laſt Year to lay a large Account before them, they think it *fit* this Year not to deliver in any Account at all. *The Claims upon the Eſtates*, they ſay, *are ſo many, that they cannot make any probable Eſtimate what will be the real Produce.* In the Report the laſt Year, they return'd the Lands worth conſiderably above two Millions of Mony; and ſaid that the forfeited *The Eſti-*
Houſes, Tithes, Debts due to forfeiting Perſons, Fairs and Markets, Ferries and *mate the*
Fiſheries, chief Rents, Mills, good Lands call'd *unprofitable*, Denominations of *firſt Year*
Lands to which they could annex no number of Acres (which by the by are Lands *valued at*
of their own making) Woods, *&c.* would a great deal more than anſwer all In- *2 Millions.*
cumbrances and profitable Leaſes; and ſo the Lands would produce conſiderably more than what they return'd.

Theſe Particulars, which they returned to anſwer the Incumbrances on the E- *The Woods*
ſtates, will, I fear, go but a very little way towards it. The Woods which ſeem'd to *the likeli-*
be the moſt likely Branch, and were return'd worth ſixty thouſand Pounds, they have *eſt Branch,*
in this Report in a manner given up; for they talk of *conſiderable Waſts*, moſt of *valued at*
which they ſay have been made *by ordinary People, not able to anſwer the Expence of* *60000 l.*
Witneſſes. This the Publick muſt take for a ſatisfactory Reaſon why they can't make Mony of thoſe Woods; the Reaſons that hereafter will be given for the Deficiency of other Branches will not be much better. If the Debts by Judgment and Statute, and the Mortgages due to forfeiting Perſons, which (according to their Report) amount to 120013 *l.* 13 *s.* 10 *d.* ſhould happen to be Debts that are already diſcharged, or to be due from Perſons, as poor as thoſe who deſtroy'd the Woods (as I fear they will) if the great Rains which the laſt Winter much delay'd the Surveys, have deſtroy'd the ſixty one Mills formerly mention'd; if the twenty eight Fairs and Markets ſhould happen to ſell for little or nothing, and the ſix Ferries and Fiſheries ſhould come to no better a Market, they will be mightily diſappointed in thoſe Perquiſits, which they deliver'd in their former Report by way of diſcount, to *diſcharge the Incumbrances* on the forfeited Eſtates, which they found in the *Exchequer* to be 161936 *l.* 15 *s.* 6 *d.*

In their late Report they ſay, that the *Claims* upon the Forfeited Eſtates are ſo *Truſtees*
many, that they cannot make any probable Eſtimate what will be the neat Produce. *late Report*
Tho they cannot pretend to tell exactly what the Produce will be, yet they might *makes the*
have told what they had ſet the Lands for: They were aware this might be ſome *Produce*
Prejudice to them; therefore as to that their Return is, that they *humbly conceive* *uncertain.*
(which was the Stile of the former Report) *they ought to make no Eſtimate of the* Valuation *of the Lands from the preſent Rent.* The Reaſon they give for this is, becauſe they found it difficult to prevail with the Tenants, who had taken Leaſes from the Grantees, to advance their Rent; moſt of them being Proteſtants, and having made Improvements upon their Land, deſerv'd all the Compaſſion they could juſtify: and further they were afraid, that if they uſed Extremities, they ſhould drive them off the Lands, and give ill Impreſſions to the reſt of the Tenants.

Means us'd to know the true Value of the Land.

Notwithstanding these Reasons, it must be allow'd, that no People ever had such an Opportunity of learning the true Value of Land as they had. They immediately after they went over (as they represent in their Report) 'gave notice in 'print to all Tenants and Occupiers of any of the Forfeited Estates, to deliver in 'true Particulars of the Quantities, Qualities, and real Value thereof (pursuant to 'the Act) and requir'd the Sheriffs of that Kingdom to publish the same throughout 'the several Counties. Accordingly the Value of the Lands was by the Tenants and Occupiers deliver'd in upon Oath, and according to that Oath they were set by the Trustees. If it happen'd that the Under-tenant, when he was under that severe Scrutiny, return'd the Value of the Land six Pence more in the Acre than he paid, that was the Rent they charged it at; and that Rent (tho 'twas more than they would have given when they took the Land) they made them pay from *November* was twelvemoth, which was before the Bill passed. This the Tenant was forc'd to do, because he must otherwise have wanted a Habitation for himself, or Pasture for his Cattel. In some places the Rent impos'd was so severe, that they were forc'd to quit the Land.

If this Method was not sufficient to bring them in a true Account of the just Value of the Lands, methinks they could not fail of being fully inform'd by the Commissioners they sent into the several Counties to set the Lands, and enquire into the true Value of them. If there were some few of the Tenants who neglected to obey the Act (which could not be, I'm sure, for want of that Fear and Terror which is apt to make People observant of Laws) and return the Value of the Lands upon Oath, the Commissioners, when they went into the Country, might easily make up that Defect.

The Expence of the Commission amounted to 40000 l.

In their Report they say that the Expence of the Commission has been about 40000 *l. Sterling*, that is (as Exchange now goes) about 50000 *l. Irish* Mony, which is just double the Charge of the whole Civil List of that Kingdom. 'Tis much that after expending so much Mony, they should not be able to learn the Value of the Lands.

The probable Estimat is about 60000 l. per Ann.

In order to make a probable Estimate of them, I will suppose them to be worth 60000 *l. per Ann.* This I believe will be found to be considerably more than they are set for at present, tho they have been set after the manner here deliver'd. If we value them at thirteen years Purchase (which is a great deal more than Lands have been continually sold for in that Kingdom, and considerably more than those Estates will yield two or three Years hence) then the full Value of them, consider'd as Fee-Simple, and free from all Incumbrance, will be 780000 *l.*

The Lands of forfeiting Persons (over and above the Estates restor'd by the King's Favour, and the Articles of *Limerick*, &c.) by the Commissioners were valu'd at

	l.	*s.*
	1699343	14
Add to this the private Estate, by them valued at	337943	09
The Value of the whole according to them at 13 years Purchase, will be	2037287	03
The real Value of the whole being	780000	00
It appears that in the first Value of the Lands they are mistaken	1257287	03

The real Value of the whole about 780000 l.

It must be noted that out of this Error here set down, we are to except what was given away by several Clauses in the Act of Resumption, which makes but a very insignificant part of the great Sum they were mistaken in.

Deductions to be made from that Sum.

Out of the total Value of the Estates return'd as Fee-Simple, which I set down at 780000 *l.* we are to deduct,

First, All Debts and Incumbrances on those Lands. The Commissioners represented in their Report, that all the Statutes, Judgments, Mortgages, or other Debts which appeared to them to affect the said Estates restor'd, amount to 161936 *l.*

Incumbrances.

These are only those which were found by Inquisition, and allow'd by Order of the *Exchequer*. Besides these they will find (and have already found) a great many more: And they themselves may remember very well that there were other good Incumbrances shew'd to them, which they thought not proper to mention in their Report, tho they insinuate that they return'd all.

Tenants for Life.

Secondly, All those Lands which will return to the next Heir after the death of the present Tenant for Life, the forfeiting Person. Of this sort there are many great Estates: Such is the great Estate, or rather Territory (as the Commissioners call it in their Report) of the Lord *Bophin*; the Estate of Col. *Bagnel*, an old infirm Man, which they have valued at above 5000 *l. per ann.* the Estate of Sir *Valentine*

lentine Brown, which is much more valuable than that of Col. *Bagnel*; the Eſtate of Col. *Baggot*, and ſeveral others.

Thirdly, We are to deduct the Quit-rents, which the Truſtees in their late Report have return'd at about 5000 *l. per ann.* *The Quit-rents.*

Fourthly, We are to deduct the Value of all the beneficial Leaſes, and whatſoever has or will be gain'd by the 3092 Claims, about 800 of which have been already heard, and of thoſe but one eighth part rejected.

Theſe will cut off more than a third part of the real Value of the Fee-Simple, which I have ſet down.

I don't here take notice of ſuch ſmall Sums as the 10000 *l.* due to the Lady *Bellaſis*, the 21000 *l.* allow'd the Purchaſers, and the other two thirds, which will without all doubt be thought as reaſonable to be allow'd as that third part.

Among the Deductions I may reckon three years Profits of all the Lands, which will be ſwallow'd in the Expences of the Truſt. *3 Years Profits of all the Lands go to theſe Expences.*

Beſides theſe there will be other Deductions. Some Eſtates have already been recover'd from the Truſt, more will follow before the Books are ſhut up, as we may very well imagin from the Inclinations obſerv'd in ſome Men to favour the *Iriſh* Claimants.

But I will abſtract from all Deductions of this kind, and allow (which will be found to be a large Reckoning) that the forfeited Lands in *Ireland* will yield 500000 *l.* in that Kingdom. This, if it were at this time to be paid into the *Exchequer* here, would be but 400000 *l.* Let us now compute what thoſe Lands would have yielded us in the Year 1690, or two Years after. I can't forbear mentioning thoſe Years, becauſe till then they were undiſpos'd of, till then the Parliament might have deſir'd them of the King for the Uſe of the Publick: Afterwards his Majeſty made them the Property of others, and 'twas by the turn of Time, and the Labour and Improvements of poor Tenants, that they grew up to that Value which they now bear. In thoſe Years an Acre of Land generally, in thoſe Countries where the great Forfeitures were (unleſs 'twas very near *Dublin*) did not yield a fourth part of what they will now: And had they then been expos'd to ſale, the Purchaſe would have been at leaſt as low as this Rent, becauſe People during that great (and when I conſider how the King's Perſon was expos'd, I will ſay uncertain) War, were not very fond of purchaſing. If this Computation be allow'd me, which I take to be a very juſt one, 'twill follow that in thoſe Years theſe exorbitant Grants which the King has made, would have yielded but 100000 *l.* which is no more than the Parliament gave to Duke *Schomberg*. *After all Deductions the Value about 500000 l. in* Ireland. *The Improvements made by the Tenants, raiſe the Value now.*

This Account of things may perhaps diſpoſe us to think a little more favourably of the Grantees, than that Reflection in the Report of the Commiſſioners may incline us to do, when they tell us, 'That as moſt of them have abus'd his Majeſty 'in the real Value of their Eſtates, ſo their Agents have impos'd on them, and 'have either ſold or let the greateſt part of thoſe Lands at great Undervalues. If Time, and the Labour of Man has made a great difference in the Value, the Impoſition is not ſo great: And if, after all, the Value be very much lower than what they have repreſented, it may be ask'd whether the Grantees be the only Perſons who have abus'd his Majeſty, and whether they are the only Men whoſe Agents have impos'd upon them. If others have been faulty, I would fain know whether thoſe Gentlemen were not ſo, who by their Errors led our honourable and wiſe Repreſentatives into that Vote of the 18*th* of *January*, "That the ad-'viſing, procuring, and paſſing Grants of the Forfeitures and other Eſtates in *Ire-'land*, hath been the occaſion of contracting great Debts upon the Nation, and 'laying heavy Taxes on the People.

'Twas very hard to go through ſuch an Enquiry without committing ſome Miſtakes; but 'tis very ſtrange how they ſhould err to that degree, as to return the Forfeitures of the little County of *Carlo* at above eighty thouſand Pounds, when a Gentleman who knew them all very well, declar'd ſeveral times (as I have heard ſay) publickly in Coffee-houſes, and to ſeveral Members of Parliament, that he would prove they were not worth the ſixth part of that Mony. *The Forfeitures in the County of* Carlo *over-valued.*

This large Reckoning has been made, firſt, by returning too many Acres (which happen'd partly by their following antient Patents, rather than the true Account that was given, which made a wilful miſtake). Secondly, By over-valuing thoſe Acres. Thus it is that they have return'd the private Eſtate at 25995 *l. per an.* which is above three times more than 'twas ever ſet for. The number of Acres return'd in their Report, where they have taken their Meaſure from the Grantees Patent, *Miſtakes in the Reports.*

is

is 95649, altho neither the late King nor the Grantee were ever in poſſeſſion of great numbers of thoſe Acres ſo paſs'd (this they ſay in their late Report, and of this the Commiſſioners were ſufficiently inform'd before they made their firſt Report) they belonging to Perſons whoſe Intereſts were ſav'd by the Acts of Settlement and Explanation, as innocent Papiſts and Proteſtants; and many of the Lands which were in the poſſeſſion of King *James*, were evicted in his time, and ſome ſince the Revolution. Beſides, great Numbers of Acres were held in Fee-Farm by Perſons not forfeiting, at very low Rents, ſome bare Acknowledgments, moſt whereof are precedent to the Rebellion in 1641. and others made by the late King.

To this are to be added the ſeveral chief Rents payable out of this Eſtate to the forfeiting Perſons, all which muſt be deducted out of the Report, in order to learn the true Value of the Eſtate, and are as follows.

Several Deductions to be made.

Land never recover'd, altho in Patent, and deficient upon Survey, for which the reſpective Tenants have yearly Defalcation,	13093	Acres.	
Lands evicted	1785		
The Farms where only Acknowledgments paid	1856		
Total of Acres by the Report	95649		
Deducted from them the above	16734		
There remain	78915		
	l.	*s.*	*d.*
Which at 2 *s.* 6 *d. per* Acre, make yearly	9864	07	06
Out of which deduct chief Rent paid out of the Eſtate, and Rent Charges granted to perpetuity	67	04	06
There remains	9797	03	00

The Value of the Land not too low.

Perhaps the Value here ſet down upon the Land may to ſome ſeem too low. The Gentleman who ſet it, declar'd to the *Iriſh* Commiſſioners upon the Oath he had taken before them, that 'twas as much as he had ſet his own Eſtate for.

But the Circumſtances of this Eſtate are very different from any other in that Kingdom, in order to the underſtanding of which the Nature of it is to be conſider'd.

The Duke of York's *Grant in* Ireland.

The Duke of *York* had granted to him the Eſtates of all the Regicides, with a Clauſe of Repriſal for ſuch Lands as ſhould be evicted; but this prov'd very ſhort of what the Acts plainly intended, by reaſon of the want of Lands to reprize him with, the Stock of the Forfeitures of that Kingdom falling ſhort ſeveral Millions of Acres. For which Reaſon, and in order to reſtore the Nominee, *&c.* the Soldier, Adventurer, *&c.* were oblig'd to retrench a third part of what they were intituled to by the Act of Settlement; but with this liberty, that they might retrench what part they pleas'd, doing it by a ſtreight Line according to the Directions of the Act. With theſe retrench'd Lands (which to be ſure were the worſt part of the Parcel) the Duke was repriz'd.

Of this kind ſeveral thouſand Acres of this Eſtate were, and they being ſmall Parcels, 'twas impoſſible they ſhould be ſet otherwiſe than the Proprietors of the grand adjacent Denominations were pleas'd to take them.

The yearly value of it.

	l.	*s.*	*d.*
This Eſtate yielded but very little till *May* 1694. and then only	4586	02	09
May 1695.	5125	09	03
May 1696.	5652	00	11 ½
May 1697.	6725	07	09
May 1698.	7023	14	07 ½
May 1699.	7912	00	01 ½
From the 1*ſt* of *May* 1701. the Rent of the whole will be	8489	07	03
Fines receiv'd out of the Eſtate (which by the Reſumption are loſt to the Tenants) by Mr. *Thomas Brodrick* and Mr. *Robert Pooley*	9887	09	02

Beſides this there was about a thouſand Pounds receiv'd before. This Eſtate is now ſet to ſolvent Proteſtant Tenants, every one of whom is bound to build, *&c.* to which they were induc'd by having Leaſes for Lives, with renewal, for which the Tenant is to pay half a years Rent within ſix Months.

Concerning

Concerning this Eſtate we are further to take notice, Firſt, that great Quantities of Land formerly in the Poſſeſſion of the late Duke of *York*, were by him diſpos'd of by Sales made to ſeveral Perſons: Secondly, that part of this Eſtate is paſs'd in Patent to the Earl of *Athlone*: Thirdly (which the Report takes notice of) that the Lady *Bellaſis* and Mrs. *Godfrey* had three thouſand Pounds *per annum* out of it during Life by virtue of an old Grant, and that there is an Arrear of ten thouſand Pounds due to the Lady *Bellaſis*, which I hear the Truſtees have allow'd her. *The Duke of York's Lands diſpoſed of formerly.*

Tho the miſtake of the Commiſſioners has been very great as to the Return they have made of the Value of this Eſtate, yet 'twill appear much leſs than what they have been guilty of in their other Returns: becauſe this Eſtate is free from any Incumbrances but what I have here mention'd.

Since thoſe Gentlemen have been ſo much miſtaken in the Value of Eſtates, 'tis not very improbable that they have been overſeen in other Particulars of their Report.

They feed us with Hopes of diſcovering many more Forfeitures; and in their late Report they have return'd 600: 'twas eaſy for them to have return'd the Value of them had they pleas'd. The Number ſounds great, but the Produce I am aſſur'd will be but very little. The things diſcover'd may be but of ſmall Value, and many may happen to diſcover the ſame thing. They talk of great Quantities of unprofitable Acres (not return'd in the Report) which are very good Land; and many Denominations of Lands to which they could *annex no number of Acres* (which they gueſs to be 70 or 80000 Acres) which wou'd make a great Addition to the Value of the Lands return'd. The Rent at which the Lands are ſet, ſhews us what their Produce will be: and the Management of their Surveyors ſhews us in what Senſe it is that their *unprofitable Acres are very good Land.* There is a Gentleman in Town who tells us, that when they were ſurveying the Land which he held, they took in a Bog (of which he never made one Shilling) that contain'd about ten times as many Acres as his Land did. Land it ſeems that's good for nothing, is *very good Land* to increaſe their number of Acres: But I fear that Land whereon nothing but Fairies tread, will raiſe only Fairy Mony. *More Diſcoveries of Land promiſed to be made.*

They tell us that there were ſeveral rich Goods, and other Houſhold-ſtuff deliver'd by the Commiſſioners of the Revenue to the Lords Juſtices, the Lord *Sidney* and the Lord *Conningsby*, which they don't find were ever return'd accounted for to his Majeſty, or left in the Caſtle at their Departure from the Government. Mr. *Durvell's* Affidavit proves, that the Lord *Sidney* did leave them there. They tell us, that as well by the *general Report of the Country* (which was an excellent Ground for their Report) as by ſeveral Obſervations of their own, it appears probable to them that many of the Perſons who revers'd their Outlawries, obtain'd his Majeſty's Favour by *Gratifications to Perſons* who abus'd his Majeſty's Compaſſion. After this noiſe about the *General Report of the Country, and their own Obſervations*, they deſcend to the Particulars. *Goods deliver'd to the Lords Juſtices not accounted for.*

The firſt Inſtance they give us is of my Lord *Bellew*, who releas'd a Statute Staple of 1000 *l.* principal Mony, and 7 or 800 *l.* Intereſt to the Lord *Raby*, in Conſideration that he wou'd uſe his Intereſt with his Majeſty to procure his Pardon, which he did accordingly. The very thing it ſelf tells us, that that Mony could not be the Motive of procuring his Majeſty's Favour, ſince the Lord *Raby* could with more eaſe obtain from his Majeſty the Remiſſion of that Mortgage, than a Pardon for a Delinquent who had ſo great an Eſtate. Another Inſtance of Corruption which they tell us of in this Caſe, is, that he alſo releas'd to the Lord *Rumney* all the Profits of his Eſtate which his Lordſhip had enjoy'd near three Years, amounting to about as many thouſand Pounds, in Conſideration his Lordſhip would not give him any Moleſtation in paſſing his Patent. The Sum releas'd they are mightily miſtaken in, when they tell us 'twas about 3000 *l.* for 'twas not a third part of the Mony; but be that what it will, why is it mention'd among Inſtances of Mony being given for reſtoring forfeiting Perſons to their Eſtates? Had not the Lord *Rumney* that Eſtate by Grant from his Majeſty? Was there any reaſon then why he ſhould be forc'd to pay the Lord *Bellew* the Profits of the Eſtate during the time he had it by the King's Grant? *The Lord Bellew's Caſe.* *Lord Rumney vindicated.*

The ſecond Inſtance they give us is, of *John Kerdiff*, who gave to a certain Perſon 200 *l.* or thereabouts, to prevail with the Lord *Rumney* to obtain his Majeſty's Letter to have his Outlawry revers'd. This Man's Caſe they ſay *deſerv'd Compaſſion*; if ſo, the Lord *Rumney*, in procuring the Reverſal of his Outlawry, did not abuſe *The Caſe of John Kerdiff.*

his

his *Majesty's Compassion.* Such Instances as this are the others they mention of *John Morris, Harvey Morris,* and *Edmund Roch.* If they were not able to discover neither by the *general Report of the Country, nor their own Observation* (which we find has been mighty penetrating) nor the Oaths of Persons examin'd before them, that his Lordship had any part of those little Sums; 'twas hard that they should after such a manner insinuate that he had for *Gratifications abus'd his Majesty's Compassion.* One would hardly imagine that a Person of a noble Family, whose Ancestor was eleven times chief Governour of that Kingdom, and himself thought worthy of that great and honourable Trust, could be so treated by Gentlemen of that Country.

Lord Rumney further vindicated.

Another Instance is of Mr. *Hussey* of *Leslip,* who being inform'd by Mr. *Bray* and Mr. *Roscoe* Agents to the Lord *Athlone,* that he could not get his Outlawry revers'd without giving a general Release of all Demands to the Lord *Athlone,* did release a Mortgage of 300 *l.* which he had on the Lord *Limerick*'s Estate, then in Grant to the Lord *Athlone, who appears not to us,* say they, *to know of the said Mortgage, or have had any Benefit thereby.*

If the Lord *Athlone* did not know of that Mortgage, and had no Benefit by the Release, I don't understand how he could abuse the King's Compassion, or how this can be reckon'd as an Instance of Pardons being obtain'd by Mony. But suppose the Lord *Athlone* had known of that Mortgage, and had told Mr. *Hussey* that he would oppose his Pardon till he releas'd that Incumbrance on the Lord *Limerick*'s Estate, I can't see how this could be a greater Crime in him, than accepting a Grant of the Estate of the Lord *Limerick,* since they were both Criminals. There was no necessity for his Lordship's contracting with *Hussey* to procure him his Majesty's Pardon in consideration of that Release, since 'twas easier for him to beg a Release of it from the King.

The Lord Athlone vindicated.

The last Instance they give us, in their Catalogue of these Corruptions, is the Case of the Lord *Bophin,* who, as they tell us, agreed to pay the Earl of *Albemarle* 7500 *l.* in consideration that he would procure his Majesty's Letter, to have him restor'd to his Estate and Blood. To secure this Mony by a Bill that was brought in, 'twas provided, say they, that 9000 *l.* should be rais'd on the said Estate, and the Remainder they believe, was to be paid to Persons concern'd in negotiating the said Agreement.

Corruptions alledg'd.

Lord Bophin's Case.

If the matter of Fact was what I have been inform'd, it deserv'd quite another Representation than what the Commissioners give it.

The true account of that Affair is thus. Upon the Forfeiture of the Lord *Bophin,* his Estate, to which he was only Tenant for Life, was by the King given to the Earl of *Albemarle:* The forfeiting Lord us'd all the Endeavours he could to recover his Estate; and his great Plea was, that he was secur'd by the Articles of *Galway.* Afterwards not succeeding in this Claim, he petition'd the King, and made Overtures to the Earl of *Albemarle* about his quitting his Grant, and prevailing with his Majesty to have him restor'd. In order to bring him to a more easy Compliance, he did not only mention great Incumbrances on the Estate, and represent (what was true) that he was only Tenant for Life, but said that another *(a)* would set up a Title which would defeat the Grant. These Considerations inclin'd the Earl of *Albemarle* to hearken to Proposals. That which the Lord *Bophin* offer'd in his Petition, to move his Majesty's *Royal Compassion,* was, that he would give up his Children to be bred Protestants; to the Earl of *Albemarle* for release of his Grant he offer'd 7500 *l.* which (as I have heard) was readily accepted, by reason of the other Offer. The King, who was pleas'd with the Thoughts of gaining that Branch of the noble Family of *Clanrickard* (and who had almost the whole Territory of that House left him) to the *Protestant Religion,* willingly embrac'd the Proposal: and pursuant to it two of the Lord *Bophin*'s Seven Sons were presently after sent to *Eaton* at his Majesty's Charge, where they have continu'd ever since. But this was not all that wrought upon his Majesty's *Royal Compassion* in that matter; 'twas represented to him (as it is by the Commissioners in their Report, who had their Hint from the Account that was given then in the Transactions of that Affair by the Persons they examin'd upon Oath) that if that Estate were *set to Protestant Tenants by Leases for Lives renewable for ever, 'twould greatly increase the Freeholders, and thereby secure the Property, and advance the Protestant Interest of that Country.* His Majesty was therefore

The true State of that Affair.

Lord Bophin offers his Children to be bred Protestants.

(a) *The Earl of* Clanrickard.

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deſir'd that one of the Conditions on which the Lord *Bophin* ſhould be reſtor'd, might be that he ſhould ſuffer his Eſtate to be put into the hands of Proteſtants in truſt, who ſhould ſet Leaſes for Lives renewable for ever to Proteſtant Tenants. This Propoſal, made to ſecure the Proteſtant Intereſt in that *Iriſh* part of the Country, was aſſented to, tho not ſo very willingly by the Lord *Bophin*; two thirds of whoſe Eſtate was thus to be leaſed out. To ſettle the whole Matter a Bill was prepar'd, in which (as the Report ſets forth) 'twas provided that 9000 *l.* ſhould be rais'd on the Eſtate. Of that Mony the Earl of *Albemarle* was to have 7500 *l.* for releaſing his Grant, the other 1500 *l.* was not (as the Report inſinuates) to be paid to Perſons concern'd in negotiating that Agreement. When the Bill was under debate in the Council in *Ireland*, ſome Perſons (as I have been inform'd) offer'd a Petition, wherein, purſuant to Proclamations and publick Aſſurances given, they made a Demand of the Part due to them, as Diſcoverers of the Lord *Bophin*'s Title: After ſome debate a thouſand Pounds was nam'd and agreed on as a competent Sum; beſides this 'twas propos'd (I believe by the Lord *Galway* himſelf) that 500 *l.* more might be added to the above Sum; his Reaſon for it was, that the Lord *Bophin* (who was Tenant for Life, and therefore not able to raiſe Mony) might have wherewithal to defray the Charge of the Bill, and to make him otherwiſe eaſy, who was neceſſarily at that time at a greater Expence than his Circumſtances could bear. Theſe were the real Uſes for which the 9000 *l.* mention'd in the Report was to be rais'd upon that Eſtate: In the Bill 'twas ſaid to be for paiment of Debts, but they were Debts contracted after the manner I have here mention'd.

E. of Albemarle *was to have* 7500 l.

It muſt be own'd the Commiſſioners could not but hear Reports and Suggeſtions of faulty dealing in this Affair from the People of that Country, who were generally ignorant of the real Truth of that Tranſaction: Therefore they ſifted the Matter, and trac'd it as far as they could, and omitted no Queſtion that was proper to diſcover whether great and conſiderable Men in the management of the Affairs of that Kingdom had in this Tranſaction acted a faulty and corrupt part or no. The Lord Ch ——— r of that Kingdom (who was examin'd ſeveral Hours by the Commiſſioners) and Mr. *Thomas Br* ——— *k* in their Examinations upon Oath gave (as I have been inform'd) the ſame Account which I have here deliver'd: Mr. *Daly* (commonly known by the Name of Judg *Daly*) who was Manager for the Lord *Bophin*, being ſtrictly examin'd four Hours together upon Oath concerning the diſpoſal of the Mony, and the ſubject Matter of the Bill, gave the ſame Account: Several Queſtions were put to him, Whether Mr. *Tho. Br* ——— *k* or *A. Br* ——— *k*, were to have any part of the Mony? Who ſollicited the Bill at the Privy Council? What did the Lord Chancellor, or any other of the Privy Council ſay concerning it? How came the Lord *Gal* ———*y*, Lord Ch ——— r, Mr. *Thomas Br* ——— *k*, and Mr. *A. Br* ——— *k* to befriend the Bill? *&c.* His Anſwers upon Oath were, that neither of them were to have one Groat directly or indirectly; that they were for it upon no other account, as he believ'd, than to bring the Children of the Lord *Bophin* (who were ſeven Sons and two Daughters) into the Proteſtant Church, and to plant his Eſtate with Proteſtants; that that which was then a *Catholick*, might be made a *Proteſtant Country*.

Several Examinations taken in the Lord Bophin's *Caſe.*

Deſign of making the Lord Bophin's *Children Proteſtants.*

This was the Subſtance of what that Gentleman diſcover'd upon his Oath. I muſt indeed do the Commiſſioners the Juſtice to own that they did all that lay in their Power to diſcover whether there were any corrupt Dealings among the Managers of that Affair; and ſo exact were they in diſcharging their Truſt, that they told that Gentleman (as I have heard) that if he would diſcover, they would recommend him ——— His Anſwer was, that he was very unfortunate, if he were taken to be a Perſon who would be bribed.

Good Patriots will leave no Stone unturn'd to make a diſcovery, when it is ſuggeſted to them that great Men are corrupt: And if their Zeal ſhould happen to carry them a little too far, their Intentions of ſerving the Publick, will perhaps to ſome ſeem a ſufficient Juſtification of what they do. This is the Excuſe that is to be made for the too great Concern ſhewn by Mr. *A* ——— *y* in that Examination. When the Lord Chancellor was declaring upon Oath what he knew of my Lord *Bophin*'s Affair, he was very well pleas'd with the beginning of his Evidence, when he mention'd the Mony to be given to the Lord *Albemarle*, &c. which he thought was a ſufficient diſcovery of the Bribery; but afterwards when he proceeded to open the whole Matter, and give an Account of the Conſiderations, he ſpoke to Sir *R. L.* and begg'd him to bid the Lord C———r hold his Tongue, for that he would ſpoil all that he had ſaid before.

The Great Men vindicated from the ſlander of Corruption.

How the Bill came to be rejected.

Things being thus, 'twill be wonder'd how the Bill ſhould (as the Commiſſioners in their Report tell us) be rejected in the Houſe of Commons in *Ireland*. The Reaſon is very well known in that Country; beſides that the Houſe was at that time warm'd more than ordinary by the Struggles and Debates of oppoſite Factions, it muſt be own'd that they had receiv'd very ill Impreſſions concerning that Affair, which continue yet with a great many, who have not been inform'd of the full Truth of that Matter, as 'twas deliver'd upon Oath at the Commiſſioners Table. Beſides theſe, there were ſome other Reaſons for the rejecting that Bill, which need not here be mention'd.

The Clandeſtine Bargain laid open and diſprov'd.

This is the true Account of that *clandeſtine Bargain* (as 'tis call'd in the Report) which is the laſt Inſtance given by the Commiſſioners of *Outlaws* obtaining his Majeſty's Favour *by Gratifications to Perſons who abus'd his Majeſty's Royal Compaſſion.* The Report of this Affair might better be let alone, ſince the Matters that were tranſacted deſerv'd quite another Repreſentation than is made in the Report. If he who reſigns a very valuable Intereſt for a very ſmall conſideration of Mony, out of regard to that great one of ſettling the *Engliſh* Intereſt in an *Iriſh* Territory, and gaining a great Family to the *Proteſtant* Communion, may be ſaid to *abuſe his Majeſty's Royal Compaſſion*, 'twill be almoſt impoſſible for a great Man to recommend any thing to the King which may not be call'd an Abuſe.

But I ſhall in this Digreſſion (as I know 'twill be call'd) run too far: I could not avoid mentioning ſome of the Miſtakes which the Commiſſioners ran into, when I conſider'd, That 'twas the Report they made of the Greatneſs both of the Forfeitures, and the Faults of thoſe who were intereſted in them, that inclin'd the Parliament to paſs that *Reſuming Bill*, which beſides other Inconveniences of it, will be the occaſion of turning out many thouſand Proteſtant Families, and bringing the *Iriſh* into their Habitations.

But 'twill be ſaid, Why theſe Complaints againſt a Reſumption now, ſince we are told by the Author on *Reſumptions*, that there have been many in former days?

Objection anſwer'd about Reſumptions in former Reigns.

To this Objection I ſhall give this general Anſwer, That a Reſumption from a King (if I may uſe the Expreſſion) is what was never heard of in this Nation before. All the *Reſumptions* which that Author mentions before the Reign of *Henry* the Sixth, and more than he mentions, were Arbitrary Acts of the Kings themſelves, who without the Aſſiſtance of the States of the Kingdom, either to enrich themſelves, or to give to great Men whom they had occaſion to court, or to carry on their Wars abroad, ſeiz'd the Eſtates which they or their Predeceſſors had given away. Herein they acted as Princes always did in the beginning of the *Gothick* Governments, whilſt the *Feuds* were given only during Pleaſure. Tho ſuch Reſumptions as theſe make againſt our Author, yet don't we thank him for mentioning them, ſince they only ſerve to introduce an Arbitrary Power. The Reſumptions afterwards in the Reigns of *Henry* the Sixth, *Edward* the Fourth, and *Henry* the Seventh, are leſs, if poſſible, to the purpoſe. They were either trifling, and ſuch as were eluded by the many *Savings* put in by the Kings, of which kind were all the Reſumptions but one in the Reign of *Henry* the Sixth, and the three firſt in the Reign of *Edward* the Fourth; or they were to recover the Lands out of the hands of Uſurpers and their Grantees. Such was the Act made in favour of *Henry* the Sixth at *Weſtminſter*, after that he got the better of *Edward* the Fourth, who had reign'd ten Years, and diſpos'd of the Lands to his Followers. Such likewiſe was the Act of 13 *Edw.* 4. three Years after, which veſted in *Edward* the Fourth (who had now got the Aſcendent again) all the Lands which *Henry* the Sixth had given to his Followers *(a)*: and of this ſort was the Reſumption in the firſt Year of *Henry* the Seventh, which veſted in him all the Lands which his Uncle *Henry* the Sixth had in the 34*th* Year of his Reign. Theſe were Acts to recover the Lands out of the hands of Uſurpers, and are to no purpoſe mention'd, for they all prove ſtrongly for the King. They don't only ſhew that there was nothing taken from him, but that 'twas the Opinion of the States of this Land in thoſe Times, that they could not touch his Prerogative, ſince in every one of thoſe Acts there is a *Saving* for it.

Things ſtanding thus, as I have repreſented them, I am humbly of Opinion, that it concerns the States of our Kingdom now aſſembled, to conſider whe-

(*a*) Vid. Tyrrel's *Hiſtory*, pag. 194.

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ther it be not their Intereſt to review that Act, and to think of what may be proper for them to do when they have well conſider'd all Circumſtances. *A reviewing of the Act recommended.*

To direct their Conſultations, and bring them to reaſonable and juſt Reſolutions in this Matter, nothing more will be neceſſary than to weigh the Conveniences and Inconveniences of that Act; and if it ſhould happen that the Conveniences of it will not make amends for the Inconveniences, the Reſolution afterwards will be very eaſy.

All the Convenience that I can ſee in it worth the taking notice of is, the Mony we ſhall raiſe by it, which will be but a very poor and inconſiderable Sum.

The Inconveniences of it to ſome may ſeem very great.

Firſt, 'Tis to be conſider'd whether the deſtroying our Conſtitution, under which we have liv'd for many Ages in great Wealth, Honour, and Proſperity, be not one. 'Tis likewiſe to be conſider'd, whether our Conſtitution be not deſtroy'd; firſt, by taking from the King that Right of Prerogative, which in all former Ages has been allow'd. Secondly, By ſeizing mens Properties, which never was done before. If any think the Lords were under ſome conſtraint in paſſing that Bill, they may perhaps reckon that another Breach in our Conſtitution. *The Inconveniences of not reviewing the Act.*

Secondly, 'Tis to be conſider'd whether this Act, in affecting the King, may not affect the Publick too ſenſibly. Some may think it more than probable, that to it we are to aſcribe the Breach of that Treaty of Partition, which might not only have ſecur'd the Ballance of *Europe*, but in time have brought that Power, which has been ſo much dreaded, to at leaſt as low an ebb as we could deſire. This I believe was foreſeen, and therefore perhaps 'twas thought neceſſary to find Inſtruments to run down that Treaty of Partition in *England*, that we might be diſpos'd to ſwallow that which muſt be a bitter Pill indeed. *The King's Honour to be regarded.*

This might be the Deſign of a Book, which we heard was writ upon that Subject, and was to come into the World ſome time ſince: 'Twas thought fit to ſuppreſs that; but we may gueſs what it was, by that which has been lately publiſh'd by a manifeſt Enemy to our State.

If this Bill was the great Motive to that Reſolution, if a Great Monarch would have given more for it at that time than I will pretend to name, only to give Foreign Princes, and one particularly, a little Idea of the King of *Great Britain*'s Power, this muſt needs leſſen the Value of it to us. But 'twill be ſaid, All that is now over. No, things at this time are in that condition in the World, that we muſt either undertake a vigorous War in conjunction with other States, or give up all our Traffick abroad, and be under very ill Circumſtances at home. If we are to ingage in a War, 'twill be neceſſary that we give all the Demonſtrations we can of Honour and Reſpect for the King; which we can do no way more ſucceſsfully, than by reſtoring what we have taken. Things may be ſo order'd, that much more Mony may be rais'd than the Lands were worth before he granted them away; but if none were, we ſhould be very far from being loſers by it in the end. *The great Advantages* France *has taken by leſſening the King's Power.*

Thirdly, It may be reckon'd another great Inconvenience in that Act, if it has any way ſerv'd the Intereſt of Popery.

The Reformed Religion is at this time under ſuch dangerous Circumſtances, that I think we ought to be very cautious of giving Papiſts the leaſt Opportunity of boaſting of our Favours. The uſe they make of it abroad, is to make thoſe of their Communion believe that their Cauſe has a conſiderable Intereſt in this Kingdom; and this in order to draw them into Confederacies againſt the Reformed Religion, and us particularly. Such Repreſentations as theſe may have a very fatal Influence in Proteſtant Countries, and make ſome run in the way we fear they are going. No one can imagine that I would inſinuate that the Parliament of *England* deſign'd to ſhew any Countenance to Papiſts, as ſuch; they gave a clear Demonſtration of a very oppoſite Temper the laſt Seſſion. But altho they were very far from giving any Spirit or Countenance to Popery, yet Papiſts might abuſe their Compaſſion, and from it take occaſions of inſulting. *The dangerous Circumſtances of the Proteſtant Intereſt now.*

'Twas, I think, great Clemency and Compaſſion in the King to reſtore ſome who had taken Arms againſt him, to their Eſtates and Blood (for the conquering *Kings great Clemency manifeſted on this Occaſion.*

Sword ſhould not methinks ſpoil and ravage to the utmoſt extremity) and 'twas a compaſſionate Act in the Parliament to confirm the King's Charter of Mercy to thoſe Outlaws: But that which was craftily publiſh'd abroad for the advantage of Popery was, that Papiſts had Intereſt enough in *England* to ſecure in Parliament the Grants which the King made to outlaw'd Papiſts, to the Value (according to the Commiſſioners Return) of 260863 *l.* 7 *s.* 3 *d.* when the Grants of all the great Men who ſerv'd his Majeſty were reſum'd, when Proteſtant Purchaſers could not obtain the Favour to be allow'd any more than one third of 63000 *l.* Purchaſe Mony, and no regard was had to Tenants and Improvers.

That ſuch a Repreſentation as this might be prejudicial to the Proteſtant Intereſt abroad, was, I believe, foreſeen by ſome who in the beginning minded the drawing of the Bill; therefore in the firſt Draught care was taken (as I have heard) to include thoſe Eſtates of reſtor'd Rebels with the Grants of Proteſtant Noblemen: how they were left out afterwards, it concerns not me to enquire.

More Inconveniences attending that Act.

Fourthly, Some will reckon the ill Blood that has been created in the People of that Kingdom, another conſiderable Inconvenience of that Act. That there is a general diſſatisfaction among the Proteſtants there by reaſon of the Execution of it, is what we are aſſur'd from all hands. Some I know will ask, Why ſhould we be mov'd at this, ſince their Reſentment is not able to hurt us? Tho it be not in their Power, nor, I hope, in their Inclinations, conſidering what Obligations we have laid upon them in delivering them out of the hands of their Enemies, to withdraw themſelves from our Obedience; yet muſt we reckon it our Intereſt, when we conſider things thorowly, to treat them with Kindneſs. All wiſe States have made it their care to keep the Kingdoms that were in ſubjection to them and their Colonies in good Humour: And it ſeems to me to be our Intereſt to treat them ſo, that we may be ſecure of their hearts and hands; that we find their Obedience chearful, and their Compliance ready, whenever we have occaſion for that Aſſiſtance which they are able to give us. They who deſpiſe their Reſentments at this time, don't ſufficiently conſider human Nature, nor the courſe of our Paſſions: When the Spirits of a People are once thorowly four'd, when the Reſentment pierces deep, there is a danger of its being tranſmitted to Poſterity, and it may have no good Effects hereafter in other Circumſtances of our Commonwealth.

Another Revolution projected by ſome.

When I repreſent this as an Inconvenience, I muſt ask Pardon of Men of other Sentiments. If there be any who are projecting for another Revolution, they muſt think that nothing can be more their Buſineſs, than to raiſe Feuds and Animoſities, and divide us among our ſelves. They never will fail of taking effect, when what they propoſe carries an appearance of Advantage to the Publick: 'tis not, I think, the Buſineſs of wiſe and good Men, who love the Happineſs and Tranquillity of their Country, and are for ſupporting the preſent Government, to humor Men of their Deſigns, to hurt People who have ruin'd their Fortunes, and hazarded their Lives in our Service, to pleaſe them who think they can't make themſelves happy otherwiſe than by ruining us.

Encouragement to be given to the Engliſh *in* Ireland.

Theſe Meaſures are very differing from thoſe which have been taken by the wiſeſt and beſt of our Anceſtors. 'Twas always their care, in thoſe Reigns wherein the publick Good was moſt regarded, to give all poſſible Incouragement in that Kingdom to the *Engliſh*, who hazarded their Lives to ſubdue the Rebels there, and keep the Country in ſubjection to the Crown of *England*.

The King's great Care of the Proteſtant Intereſt in that Kingdom.

It muſt indeed be own'd that his Majeſty, whilſt thoſe Lands were in his Hands, gave ſtrict Orders that they ſhould be let only to Proteſtant Tenants: the ſame care was afterwards taken by his Majeſty's Grantees in ſelling as well as ſettling their Eſtates. 'Tis a great Misfortune that it was ſo; for had not ſuch Proviſion been made for ſecuring the Proteſtant Intereſt in that Kingdom, its Security had been abundantly better eſtabliſh'd than now it is. The *Iriſh* had then born a part of the Calamity; and ſo many thouſand Proteſtants who have fought for the Crown of *England*, and by their great Services leſſen'd the Charge we ſhould have been at in reducing that Kingdom, had not been ruin'd by having the Bounty of their Prince, their legal Purchaſes, and the Fruits of their Labour, ſeized to defray the Charge of the War.

Tho it may be the Deſire and Intereſt of ſome People to have thoſe treated as Rebels (as too many reckon them to be) who were active in ſubduing the *Iriſh*, and reducing them to their juſt Obedience to the Crown of *England*, 'tis impoſſible but

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an *Engliſh* Parliament muſt have other Sentiments, when they ſet themſelves ſeriouſly to conſider their true and real Intereſt. If their Services will not procure them ſo much Favour, as to be reſtor'd to what they purchas'd and improv'd, to which they had as good a Title as any Man in theſe Kingdoms has to his Eſtate; their Calamity will carry a Symptom with it, which to them who love the Proteſtant Intereſt and our preſent Settlement, muſt cauſe a much greater concern than what ariſes from the Suffering it ſelf.

The Benefit ariſing to the Proteſtant Intereſt.

If when their Rights are ſecur'd to theſe Proteſtant Purchaſers, Tenants and Improvers (which certainly will be in an *Engliſh* Proteſtant Parliament) and the ſeveral Claimants have reap'd the full Benefit of their Claims, the Produce of the *Reſuming Act* will be but very little more than the Advantage which will accrue to the *Iriſh Commiſſioners* and *Truſtees*, and the Pleaſure and Satisfaction which our Enemies will have in ſeeing the King's Grants reſum'd after a manner unknown in this Land before, and the Rewards of their Services taken from thoſe great Men, who follow'd his Fortune, and were Inſtruments in the hand of God to deliver us from Popery and Slavery that were juſt breaking in upon us; 'tis hop'd that the Wiſdom and Juſtice of this Nation will not think it their Intereſt to adhere to what they have been led into by the falſe Suggeſtions of Men who have had more regard to their private Gain, than the Glory and true Intereſt of *England*. If after the *Truſtees* have ſpent three Years Rents of thoſe Forfeitures in the Execution of that *Truſt*, and the Claimants have been at a hundred thouſand Pounds charge in their Journies from their reſpective Countries to *Dublin*, and in proſecuting their Claims, and the whole Kingdom has for that Courſe of time been diſquieted with the Juriſdiction of twelve arbitrary Men, all that *England* will gain by it will be no more than the little Sum above mention'd, it can hardly be doubted but that all thoſe who love our Conſtitution, are for ſupporting the preſent Government, and have a regard to what is truly honourable and juſt, will reſtore to the ſeveral Perſons concern'd what by the ſettl'd Laws of this Land belong'd to them; or at leaſt will receive ſuch Propoſals as ſhall be made for raiſing a Sum that may ſeem reaſonable to *England*, and will be rais'd with leſs Prejudice and Diſſatisfaction to the People of *Ireland*.

A LETTER from a Soldier to the Commons of England:

Occaſion'd by an ADDRESS now carrying on by the Proteſtants in Ireland, *in order to take away the Fund appropriated for the Payment of the Arrears of the Army.*

Printed about *Jan.* 170½.

The Deſign of the Letter.

BUT before I examine it particularly, I will take notice of ſome Diſcourſe I entertain'd with one of the principal Men who promoted it, who endeavour'd to prevail with me to ſign it. I told him this might be conſtru'd an Appeal to the King againſt his Commons, without whoſe Conſent they could have no Relief, and therefore I thought it very imprudent to give them ſo juſt occaſion of Offence: That I believ'd it would not be very acceptable to his Majeſty, and I was ſure not agreeable to ſo many Loyal Expreſſions in it, to endeavour to ſow any Diſſenſion betwixt Him and his People, at a Time too when there is need of their greateſt Unanimity. Beſides, I thought his Majeſty had Matters of too great Importance in Agitation, to buſy himſelf about their trifling Grievances; and therefore

fore it was my Opinion that it would be moſt adviſable for them to apply to the Houſe to redreſs the Severities (if any) in the Act; and if there were any Fault in the Adminiſtration, to exhibit Articles againſt the Truſtees. I was anſwer'd, that this would be owning the Right of the Parliament to govern *Ireland*; and that this is the true Reaſon, appears from the whole Caſt and Turn of the Addreſs, where in three ſeveral Paragraphs their Dependence is expreſly limited to the Crown of *England*, as it were on purpoſe to exclude the Lords and Commons from having any thing to do with them. And I aſſure your Honours, theſe are the deepeſt Politicks of our Climate.

The Dependency of Ireland on England.

I wonder at theſe thoughtleſs Stateſmen, who can imagine that the People of *England*, who have conquer'd and reduc'd *Ireland* in above forty Wars at their own Expence, and with the Loſs of near a Million of their Countrymen, who have almoſt peopl'd the Country, and have and muſt continually ſupport it with their Fleets and Armys, ſhould have no other Aim in this, than to give a few of their Officers good Eſtates, and people a new Country with their Fellow Subjects, who from that time were to be independent, and not ſubject to the Legiſlative Power of *England*, but ſhould be a diſtinct State govern'd intirely by its own Laws, and might carry on what Trades and Manufactures they pleas'd, even to the Ruin of their Mother Country. This is a Conceit worthy of the Place from whence it comes: If theſe Gentlemen had any Experience in the Affairs of the World, or were acquainted with Hiſtory, they would know that no Nation ever ſent out their own People (which are their Strength and Treaſure) either to plant Colonies, or in Armies to conquer Countries, but for the Benefit of their Mother Country, who have always made them ſubſervient to it; and the Adventurers have thought themſelves ſufficiently encourag'd, in having Eſtates and other Advantages given them in the Colonies and Conqueſts, without pretending to an Independency.

Some of theſe worthy Perſons ſay that *Ireland* was not conquer'd by the Parliament of *England*, but by the King, to whom they own Subjection: Which is as much as to ſay that a King of *England*, at the Head of an *Engliſh* Army paid by *Engliſh* Mony, can conquer for himſelf and not for the Kingdom, which is an Abſurdity I ſhall not think reaſonable to anſwer.

Others ſay they don't affect an Independency of *England*, for they own they are dependent upon the Crown; which, whether they know it or no, is no dependence at all upon *England*, for it amounts to no more than their having the ſame King, and ſo has *Scotland*, *Breda*, the Principality of *Orange*; and in this Senſe *England* may be call'd Dependent on *Ireland*. There neither is nor can in nature be any Dependency of one Nation properly ſpeaking on another, unleſs it be ſubject to its Laws, elſe it lies in their Power to be independent when they pleaſe. Suppoſe the King and Parliament of *Ireland* repeal *Poyning*'s Law, where then is their Dependency? What if King *James* when he was upon the Throne had by the Conſent of a Popiſh Parliament in *Ireland* alienated the Kingdom, muſt all the Blood and Treaſure we have ſpent there be quite thrown away?

Objections remov'd.

Well, but the worſt Objection comes at laſt, which is, That *Ireland* was never conquer'd at all; and this is a home one, tho I dare ſay never heard of in *England* till Mr. *Molineaux* broacht it. And whom do we hear it from now? Not from the *Iriſh* and old Proprietors, for they both ſee and feel they have been conquer'd with a Witneſs; but this Objection comes from your own Countrymen, whoſe Anceſtors have been ſent over in your Armies to ſubdue the Natives, and rewarded with great Poſſeſſions, who have grown rich and powerful under your Protection, and lately when they were driven out of their Country by a Force they were not able to reſiſt, were hoſpitably entertain'd by you, and by your Power reſtor'd to their Eſtates and Religion: and theſe very Men, as they have made uſe of your Power to ſubdue the *Iriſh*, they now ſet up a Title in the *Iriſh* againſt your Authority, and would aſſume to themſelves all the Advantage of the Conqueſts you have made.

Abſurdity of their Pretenſions who would aſſert the Independency of Ireland.

They muſt be very happy Men who can have ſo comfortable an Imagination, and 'tis pity to deprive them of it.

Strange, that a ſmall Colony not yet wean'd from its Mothers Breaſts, that can't ſubſiſt without its firſt Milk, ſhould affect Deſigns of Empire! But what Greatneſs of Soul has produc'd in other Countries, want of Thought does in them.

A Handful of People, beſet with ſeven times the Number of *Iriſh* who are their mortal Enemies, yet to aſſume all things to themſelves, and at the ſame time pretend

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to an Independency of *England*, againſt whoſe Power, and without whoſe Power they cannot ſubſiſt one Moment!

But your Honours very well know your own Authority, you can compel their Obedience, and contemn their Scolding.

I remember a Story of *Oliver Cromwel*, when a Shentleman of *Wales* came up to Court to acquaint his Highneſs, one in the Country had ſpoken very diſreſpectfully of him, he firſt ask'd if he was a Man of any Conſideration; and being anſwer'd that he was a very inſignificant Fellow, he then deſir'd to know the Complaint, and after ſome Apology for the Indecency of Speech, he was told that the Man ſaid *his Highneſs might kiſs his* —— To which he reply'd, Go home and tell him that he may kiſs mine.

Having given your Honours an Account of the general Deſign of this Remonſtrance, I will now examine it particularly, and ſhew it to be as falſe as it is ridiculous. The Title is as follows:

To the King's moſt excellent Majeſty, The Humble Addreſs of the Nobility, Juſtices of the Peace, Grand Jury, Clergy, Gentlemen, Freeholders of the County of Dublin, *&c.*

Here is a very pompous Title, and one would think by it that the whole City of *Dublin*, or at leaſt all of any Conſequence in it had approv'd of this Addreſs, and ſign'd it: but it is ſo much otherwiſe, that moſt of the Nobility, and Privy Counſellors, all the Biſhops, Judges, and Eminent Lawyers, together with moſt of the conſiderable Gentry, have directly refus'd to ſign it; and many of thoſe that have done it, excuſe themſelves by ſaying they did not know what it was, and that they ſign'd it merely out of good Fellowſhip: and indeed they were ſo much put to it to get Hands, that amidſt their Proteſtant Freeholders they were content to accept an *Iriſh* Papiſt, who unluckily had only a Leaſe for Years; which one of the Company being ſcandaliz'd at, ſaid he would not ſign it unleſs to the Words *Proteſtant Freeholders*, they would make this Amendment, *viz. and one Papiſt.* This being the Caſe, was thought ſo reaſonable by others of the Company, that a wiſe Debate aroſe about it; ſome were for adding the Words, and others for ſtriking out his Name: And after a very ſolemn Diſpute learnedly maintain'd on both ſides, which was moſt reſpectful to his Majeſty, an Interlineation or a Razure, the prevailing Opinion was to ſtrike out his Name, and ſo it ſtands to this Day.

Next follows the Introduction.

'YOUR Majeſty's moſt Faithful and Loyal Subjects, the Proteſtants of this 'your Kingdom of *Ireland*, lying under ſuch Preſſures by means of the late Act 'of Reſumption, and of the Execution thereof, that they apprehend the Ruin of 'the Proteſtants of your Kingdom (who have all of them to the utmoſt of their 'Power been moſt forward and zealous for your Majeſty's Intereſt, and inſtru-'mental in reducing your Kingdom to its Dependence upon the Crown of *England*) 'muſt be the unavoidable Conſequence of the Execution of that Act, do humbly 'fly to your Majeſty's Protection, and pray that your Majeſty, the Reſtorer of their 'Religion, Rights and Liberties, would once again be pleas'd to take their diſtreſ-'ſed Condition into your Princely Conſideration; and by ſuch Methods as to your 'Majeſty ſhall ſeem moſt expedient, and their preſent Circumſtances and the Juſ-'tice of their Cauſe do require, apply ſutable Remedies to the ſevere Burden under 'which they lie. The Deplorable Condition of very many Families, who al-'ways have adher'd firmly to the Intereſt of your Majeſty and the Crown of *Eng-'land*, and the General Diſcouragement that Act has given to the Proteſtant Intereſt 'of your Kingdom, conſtrain us with all Humility to lay before your Majeſty, that 'the Act being entirely fram'd and paſſed in *England*, the real Truth of our late 'Circumſtances could not be known: Hence we have reaſon to complain.

The Deſign of the Remonſtrance conſider'd.

All that is obſervable in this (beſides its being by the whole Texture of it an Appeal to his Majeſty againſt his People, and in two ſeveral Places a Confinement of their Dependence to the Crown of *England*) is their ſetting forth the Kingdom to be in a wretched and deplorable Condition. One who knew nothing of the matter, would think by theſe and other Expreſſions ſcatter'd up and down in the Addreſs, that without ſome immediate Cordial they were unavoidably gone. But I aſſure your Honours the Caſe is not ſo deſperate, for the Kingdom is in a better Con-

Condition than before the War: The Rents of Lands are higher, and the Purchaſe dearer, the Produce of their Lands notwithſtanding they have had plentiful Years is almoſt as dear as in *England*; the Exciſe and Cuſtoms increaſe; even ſince the Truſtees came over the Rents have viſibly improv'd; and univerſally there is a greater Appearance of Riches in their Coaches, Clothes, Equipage and Furniture of their Houſes. Nay, what is amazing to ſee, they have ſuch a viſible Increaſe of Riches and Power, that the very laſt Summer near three hundred Houſes were built in *Dublin* upon new Foundations, a great many of which are fit for Perſons of any Quality: And in all probability as many more will be built next Year, great Quantities of Ground being laid out for that Purpoſe. And at the time they thus abound in Wealth and Luxury, they pay no Taxes, beſides the King's ordinary Revenue, when their Protectors are loaded with fifteen or ſixteen Millions of Debts, and every Year pay conſtant Land Taxes; ſo little Reaſon have they to complain.

The firſt Article in the Addreſs.

Viz. *That the Perſons who receive any Benefit or Favour by this Act, are the Papiſts of this Kingdom, and among them principally thoſe who to the laſt oppos'd their Majeſties Arms and Intereſt: and beſides many other particular Favours to* Iriſh *Papiſts, all thoſe who by their Majeſties Grace obtain'd Reverſal of their Outlawries, have the Benefit of thoſe Reverſals confirm'd to them, and are by this Act reſtor'd, as well to their Eſtates as to their Blood; when moſt of the Grants made to the Proteſtants, are by the ſaid Act reaſſumed.*

The Seventh Article being of the ſame nature, I will inſert it here, and anſwer them both together.

The Seventh Article.

Viz. *That the whole Scheme of the Act, and the manner of the Execution of it, depreſſes and diſcountenances the Proteſtant Intereſt of this Kingdom, and incourages the Papiſts; of the Danger of which we who have felt the Effects of it, muſt always be apprehenſive, but more particularly now when the Papiſts throughout the whole Nation, by the Inſolence of their Behaviour, ſhew, That the acknowledging the pretended Prince of* Wales *by the* French *King, or ſome other Dependence, have rais'd their Expectation to a great height.*

The Ingratitude of the Authors of the Remonſtrance.

Obſerve, moſt noble Senators, obſerve their Gratitude for your receiving them when they were Exiles, clothing them when they were naked, and at laſt reſtoring them to their Eſtates at your own Expence. Now they charge you with favouring thoſe very Papiſts you have vanquiſh'd, and *particularly ſuch who moſt oppos'd his Majeſty's Arms.* You are charg'd that you have made an Act, *the whole Scheme of which was, to depreſs and diſcountenance the Proteſtant Religion, and incourage the Papiſts.* But the beſt of it is, tho their Malice is great, their Power is ſmall, and they are eaſily overthrown in their Ground-work: I challenge them to tell me one Part of the Act that diſtinguiſhes in favour of the Papiſts; and I do affirm, that the Act in no part of it confirms the Reverſals of the Outlawries, tho they poſitively here aſſert, *That all thoſe who by his Majeſty's Grace obtain'd the Reverſal of their Outlawries, have the Benefit of thoſe Reverſals confirm'd to them, and are by this Act reſtored, as well to their Eſtates as to their Blood.* Nay, this Act is ſo far from favouring the Papiſts, that by the Clauſe that turns Eſtates Tail into Fees (as I have been inform'd by ſome of the Truſtees) twenty thouſand Pounds *per annum* is taken from them, and not one hundred from the Proteſtants; and I am apt to believe they lie under one Diſadvantage further by this Act, that they do not know how to place their Mony ſo beneficially as formerly.

I am unwilling to believe that our Addreſſors meant nothing by theſe two Articles, and therefore think it probable that the Favour they have complain'd of is, that the Act has given the Papiſts, as well as Proteſtants, a Right to claim all that is due to them in Law or Equity; which is a Favour indeed, ſince many of them could not get it before, tho they honeſtly paid for it.

Pardon me (moſt grave and wiſe Repreſentatives of your Country) that amidſt the great Affairs which now imploy your Counſels, I preſume to lay this humble Addreſs at your Feet. I am ſenſible neither my Education nor Profeſſion qualify me for this ſort of Combate: but as the dumb Man could not avoid ſpeaking when he ſaw the Sword at his Father's Throat, ſo when not only that Proviſion appointed by your Honours for Payment of our Arrears, is attempted to be rifled from us, but your Juſtice is libell'd, your Authority diſown'd; when you are addreſs'd againſt to your King, and charg'd with favouring Popery, and diſcountenancing the

The Reſumption vindicated.

Pro-

Proteſtant Religion, and this for no other reaſon, but becauſe you have apply'd the forfeited Lands of *Ireland* to the payment of thoſe Debts contracted for the reducing it, and reſtoring thoſe very Men to their Eſtates, who have now the audacious Inſolence and Folly to miſrepreſent you and your Proceedings: I ſay, when I ſee this, I cannot avoid ſhewing that juſt Reſentment and Indignation which becomes an *Engliſh* Man and lover of his Country.

Your Honours muſt needs be ſenſible what we have done and ſuffer'd for it; we have born all the Miſeries and Fatigues of War, with a Conſtancy, Conrage, and Fidelity, equal to any in Hiſtory, at the ſame time when we had near half of our Pay detain'd from us, and the other paid us in Tallies, which we were forced to ſell at Twenty, Thirty, and ſometimes Fifty *per Cent.* diſcount. One whole Campagn we ſerv'd without any Pay at all, and not ſo much as repin'd at it; inſomuch that many of us have ſpent our private Fortunes in the Publick Service, and have nothing left but Scars, and the Hopes of having our Arrears paid by Lands in *Ireland.* I mean not by this to complain of our Uſage, for I very well know the Publick Nececeſſities made it unavoidable; and I am ready again to ſpend a tatter'd Life in his Majeſty's and my Country's Cauſe, tho without any Pay at all: But when our Intereſt does not come in competition with the Publick, but a few private Men, who by Rapine and Oppreſſion have rais'd themſelves on a ſudden to great Eſtates, and like Muſhrooms ſprung up in a Night, then I may preſume to ſay, Juſtice and Compaſſion both plead for us, and we hope your Honours will think us Objects of your tendereſt Conſideration.

The neceſſity of having ſuch a Fund for for paiment of Arrears.

We are very ſenſible if we loſe this Fund, how little Probability there is of getting another, at a time when the Nation is entering into the greateſt, moſt juſt and neceſſary War that ever they undertook, and the utmoſt Taxes they can raiſe will hardly be ſuficient to carry it on; and therefore we hope your Honours will not leſſen that Security you have given us, when we have waited already ſo many Years for what we purchaſed with our Blood and Toil, have receiv'd no Intereſt for what was due to us, and even now are forced to ſell our Debentures for half their Value. We think we have a ſort of natural Right to theſe Forfeitures; they are but the Plunder of the Field, and of Right belonging to the Conquerors. In the many Rebellions in this Kingdom, the forfeited Lands have been always divided amongſt the Soldiers: Not only the *Engliſh* Conſtitution, but moſt of the Governments of *Europe* were built upon this Foundation, of dividing the Lands of the Conquer'd amongſt the Conquerors; and from hence proceed all the Tenures remaining at this day.

But that I may detain your Honours no longer, I will come to the main Deſign of this Paper, which is to ſhew the Folly and ridiculous Falſity of an Addreſs, or rather Remonſtrance made to his Majeſty againſt his People, and an Act that He himſelf has given his Royal Aſſent to.

I am amaz'd to hear ſome Men in this Country complain of favouring the Papiſts, when they know that ſince the Truſtees came over, tho ſeveral of them have been tried, and the fulleſt Evidence given againſt them, yet not one has been convicted. The Managers here are ſo implacable againſt your Act, that they would rather their mortal Enemies ſhould enjoy their Eſtates, than they ſhould be apply'd to the Benefit of the People of *England*, and to diſcharge thoſe Debts that were contracted for their own Deliverance, of which I will give ſome Inſtances.

Inſtances of Abuſes in trying of Criminals.

In *Michaelmas* Term 1699. *John Moore* Merchant was brought to his Trial in the *King's Bench*, for having commanded a Company of Foot under the late K. *James*; and tho there were 8 Witneſſes of undoubted Reputation ſwore it directly againſt him, and the Criminal ſcarcely denied it, inſomuch that the Judges gave poſitive Directions to find him Guilty, yet by a Jury of the moſt conſiderable Citizens of *Dublin* (whereof ſome are Addreſſers) he was found *Not Guilty*.

In *Eaſter* Term 1701. Sir *Laurence Edmond* was brought to his Trial at the *King's-Bench* Bar, by Direction of the Truſtees, for Foreign Treaſon: And the Facts plainly proved were, That the Priſoner was an Officer, and actually engag'd againſt his Majeſty's Forces at the Battel of in *Piedmont.* The Evidence was ſo plain, that the Judges directed the Jury to bring him in Guilty; but the Objection being made, that the Benefit of the Forfeiture would go to the Truſtees, part of the Jury declar'd they would not find him Guilty: And a Gentleman of great Integrity and Worth being then on the Jury, and deſperately ill, and declaring, tho he died, he would not give his Verdict, *Not Guilty*, it was contriv'd to withdraw a Juror; and ſo the Priſoner eſcap'd.

Laſt Summer Aſſizes at *Cork*, *John Walſh* came on to his Trial, for commanding a

Foot-Company in the *Iriſh* Army. And tho ten Witneſſes ſwore againſt him, and he was taken a Priſoner upon the Surrender of *Cork*, and the Direction of the Court was poſitively to find him Guilty, yet the Jury acquitted him.

The Truſtees under great Diſcouragements.

There are multitudes of Inſtances of this kind, too tedious to enumerate; therefore I ſhall only ſay in general, that the Country has found every Man not Guilty that has been tried by direction of the Truſtees: But when our Managers were Jackals to the Grantees, and ſhar'd the Prey with them; then their Indignation ran ſo high againſt Popery, that the Methods of the Law, and the known Rules of Juſtice, might be tranſgreſs'd to bring about the good Work of condemning Delinquent Acres. No Age nor Sex could be more exempt from their Sentence, than that of Fate. Mrs. *Levallin* an Infant of three Years old, muſt be outlaw'd for Foreign Treaſon. Mrs. *Lutterell* muſt be outlaw'd too, as ſoon as her Husband's Brother got a Grant of the Eſtate, out of which a ſmall Portion was appointed for her Jointure. Mr. *Thomas Euſtace* of the County of *Kildare*, who had ſubmitted to his Majeſty and the late Queen, and taken the Benefit of the Declaration promiſing Pardon, was notwithſtanding Indicted: And altho he ſurrender'd himſelf to the Sheriff on the Exigent, who thereupon return'd a *Reddidit ſe*, yet he was afterwards Outlaw'd. The ſaid Return being alter'd by Rule of Court, *Chamberlain* and others were committed to Priſon, and by Threats and Dureſs driven to ſign a Petition that they might be outlaw'd. Thus like Beavers they gave the Hunters their Prey, and then they were ſure the Purſuit would be ſtaid.

I do confeſs the barbarous Treatment they met with from the *Iriſh* in general, and particularly in paſſing an Act in their pretended Parliament for attainting many thouſand innocent Proteſtants, without reſpect to Age or Sex, will in ſome meaſure juſtify this Retaliation. But 'tis unaccountable that they can forget their Intereſt, and lay aſide innate Animoſities to the *Iriſh*, rather than do Juſtice, when it is for the benefit of the only People upon Earth that can or do protect them.

The Second Article.

That the Improvers and poor Husbandmen, who by ſeveral Proclamations iſſued by your Majeſty's Order, were encouraged and required to betake themſelves to their Tillage, to repair the Deſolation wrought by the War, and prevent a Famine, are by it depriv'd of all the Benefit of their Labours, and the Charges of their Improvements.

The Reſumption not favourable to Papiſts.

I ſhould have wholly paſſed over and neglected this Article, as containing in it nothing either of Moment or Meaning, were it not that I thought it here a proper place to take notice to your Honours how little the Talents of theſe Gentlemen conſiſt in Reaſoning, and how much in Blundering, and to ſhew that they have not the leaſt ſhare or proportion of Memory left them to ſupport or alleviate the groſs Inconſiſtency of their Inventions; they would not elſe have ſo ſoon forgot the Complaint they made in the very next preceding Paragraph, of the Papiſts being advantaged by this Act, and immediately they themſelves inſert this whole Article in their favour: For what elſe but Papiſts can be here poſſibly underſtood, ſince theſe Proclamations were iſſued by his Majeſty, with reſpect only to ſuch as had born Arms againſt him, among whom there were very few or no Proteſtants at all? Theſe therefore were the only Perſons, who after the Battel of the *Boyne* were encourag'd by the Proclamations of *Finglaſs*, &c. to betake themſelves to their Trades and Husbandry, within the Provinces and Limits reduc'd to his Majeſty's Obedience. Now all theſe Tenants have the Benefit of thoſe Proclamations ſecur'd to them by the Act it ſelf; ſo that if we conſider theſe their favourite Popiſh Tenants occupying the Lands belonging either to Proteſtants or forfeiting Perſons, there is all the Proviſion imaginable made for their Security, ſo far are they from loſing the Benefit of their Labours and Improvements, moſt falſly ſuggeſted, I might add ridiculouſly. If your Honours could poſſibly entertain a juſt and adequate Notion of what generally paſſes under the name of *Improvements* in this Kingdom, which comes ſo ſhort of what is commonly underſtood by the ſame Word in *England*, as to amount to no more than putting their Lands into a condition of affording them only a bare and neceſſary Subſiſtance; your Honours will have ſutable Idea's of them when you ſee the Improvements made by the Purchaſers themſelves upon their own Demeſnes, their Manſion-houſes and Seats of Pleaſure; which according to their own Bills given in by themſelves to the Truſtees (ſome part whereof conſiſts of old Hats, Nails, Compoſts, Sparagraſs, and a multitude of ſuch trifling *Items*) do not exceed, as I am told, 5500 *l.* notwithſtanding the clamorous Outcrys of Oppreſſion and Injuſtice, wherewith they deafned the Ears of the two laſt Parliaments upon this very account; and I dare ſay theſe Lands are not really advanc'd one thouſand Pounds in their intrinſick Value.

The

The Third Article.

That thoſe who purchaſed under Patentees are generally Proteſtants, who in their dealing for thoſe Eſtates, acted agreeably to the then known and eſtabliſh'd Laws of theſe Kingdoms; tho now by a Law made ex poſt facto, *they find themſelves in the Condition of forfeiting Perſons.*

This Article relates wholly to the Purchaſers, who for a little real Mony have bought a great number of imaginary Titles from the Grantees: How far in this Matter they have acted according to the eſtabliſh'd Laws of their own Country, I ſhall not here enquire; ſure I am that they acted againſt the known and eſtabliſh'd Laws of common Prudence and Diſcretion. That they have been notoriouſly guilty of the Breach of this Law, I ſhall make no ſcruple to affirm; but how far they have knowingly treſpaſs'd againſt the Rules of good Manners, and Submiſſion to their Superiors, againſt the known and uncontеſted Maxims of Juſtice and Equity, by laying their Sacrilegious Hands upon the Sacred Treaſury of the Publick, ſet apart and conſecrated by ſo many Unanimous Votes and Solemn Addreſſes of the Commons of *England*, ratified and confirm'd by his Majeſty's moſt Gracious Anſwer and Royal Promiſes, I ſhall leave to your Honours to judg.

The Proceedings of the Purchaſers illegal.

The Fourth Article.

That the ill Conſequences of this Act, and the Execution of it, do not only affect the Purchaſers of Forfeitures, but your Majeſty's other Subjects who are wholly unconcern'd in thoſe Titles, and diſquiet the whole Kingdom: for ſome of the Truſtees having declar'd in Court their Opinion, that what Land ſoever they ſhall think fit to ſell, it ſhall be never afterwards controverted, whether that Land was the Eſtate of a forfeiting Perſon, and in conſequence of that veſted in them by the Act, but that their Sales, whatſoever they are, are confirm'd by the Act and paſt controul; your Majeſty's Subjects of this Kingdom are ſenſible that if this Opinion prevail, the whole Property of Ireland *depends upon the Arbitrary Wills of a Majority of the Truſtees.*

In the foregoing Paragraph, tho they had inſolently libel'd your Honours, together with his Majeſty and the Right Honourable the Houſe of Lords, as guilty of Cruelty and Injuſtice, yet they muſt not ſtop there: For were a particular Inquiry made who were real Sufferers by the Act, and the Execution of it, I dare ſay if you take out of the Number thoſe whom the deſire of an over-reaching Bargain drew in to be Purchaſers, there would not be found enough to fill a Stage-Coach from *Cheſter*. But Clamour is the Deſign, and Numbers muſt be the Inſtruments; therefore by this Paragraph the whole Kingdom muſt be alarm'd; the Conſequences of the Act, and the Execution of it, do not only affect the Purchaſers of Forfeitures, but his Majeſty's other Subjects, who are wholly unconcern'd in theſe Titles, and diſquiet the whole Kingdom.

The Proceedings of Parliament juſtify'd on the Act of Reſumption.

I now begin to gueſs at the Penman of this Libel, for there is a Gentleman who knows enough of the Law to ſee the danger of ſetting his Hand to ſuch a Paper as this, and has pleaded his Station to excuſe him from doing it: That this Gentleman is diſquieted, all the Judges of this Kingdom know full well, who have often heard him in Seaſon and out of Seaſon leave off declaiming for his Client, to exclaim and cry out very bitterly againſt the Act. None of the true Prophets of old, or the falſe ones of late did ever lift up their Voices higher againſt the Iniquity of old or new *Babylon*, than this Gentleman againſt the Tyranny, Oppreſſion and Injuſtice of the Parliament of *England*. And he has got ſome few Followers who may be known by their ſquawling: But ſurely the whole Kingdom has no need to be diſquieted; yes he will have them ſo, becauſe ſome of the Truſtees declar'd in Court their Opinion, 'That what Land ſoever they ſhall think fit to ſell ſhall never be controverted, whether that Land was the Eſtate of a Forfeiting Perſon, 'and in conſequence of that veſted in them by the Act; but that their Sales, whatſoever they are, are confirm'd by the Act and paſt controul.

The King's Sollicitor's Behaviour.

The words I am told were not ſpoken in Judicature, but upon this Occaſion: The King's Sollicitor being in the Court of Claims, officiouſly mov'd the Point, Whether if Lands were ſold by the Truſtees, it could be made a Queſtion afterwards in any other Court, whether thoſe Laws were veſted in them, and ſo the Title of the Purchaſer be liable to be defeated? and he did then, as often before, deliver his Opinion magiſterially, that the Sale was not Concluſive. Some of the Gentlemen on the Bench were aſtoniſh'd to ſee the King's Advocate prove a Council againſt the Publick; and having reaſon to believe that it was his deſign by ſuch

Speeches to render the Titles under the Act doubtful and hazardous, and so deter People from purchasing, they read to him the Words of the Act, to convince him to Demonstration that the Sales were binding. I am the more assur'd that the Reasons offer'd by the Trustees were convincing, since I see the Matter reviv'd again; for as many of the Addressers as I am acquainted with are so angry with the Trustees for the sake of the Act, that they have no Reverence for their Authority, but out of fear of their Power: 'Tis plain then, the Resentment of this Paragraph runs against the Act.

Could I obtain the Favour, I would desire the Addressers to tell me their Reason; Is it because the Powers given in this particular are unreasonable, or new? They must be weaker much than I took them to be, if they can imagine the Parliament of *England* will take Peoples Mony for Lands in *Ireland*, and leave it afterwards to them *(who once fancied these Lands their own)* to determine whether the Purchasers under the Act have a Right to them. If your Honours will be pleas'd to repeal the Clause here complain'd of, and redress this one Grievance, I'll answer for the Addressers that they will give up all the rest; for I know them so well, they will not suffer the Vesting Clause to do them any harm. The Wolves heretofore desir'd a Peace with the Sheep, and insisted but on one small Article, *viz.* that the Sheep should send away their Dogs. The Confirmation of the Sales is the Purchasers main Security; this the wise Legislators were aware of, and have provided so well for it, that none but those whom Avarice of their Neighbours Land, and an Ambition to lord it over all that are about them have blinded, can doubt of their Intention.

Doubtful Passages to be explain'd.

But since Providence has so fram'd things, that the most mischievous Creatures have least Cunning, and that these Addressers have thus betray'd their *weak Hopes*, your Honours will surely take the Hint from them to declare your Sense in plainer Words, if your Wisdom can find out any, for the Security, Quiet and Repose of the Purchasers. Full as large Powers were committed to the Commissioners who executed the Act of Settlement, and I believe it was never made a Doubt whether they had Power to judg what Lands were vested. But there is a main difference between these two Acts as to the Addressers, for by the Act of Settlement they enjoy the Lands set out by the Parliament of *England* to their Ancestors; by the Act of Resumption other Lands are taken from them, who either beg'd or bought them for an inconsiderable Price, from those who had at best but a precarious Title, and restor'd them to such who are to give the same valuable Considerations for them, that the Addressers Ancestors gave for theirs under the Act of Settlement.

But it must not be thought that Men of their profound Heads can be so angry without some Reason. Here comes a weighty one, *Your Majesty's Subjects of this Kingdom are sensible, that if this Opinion prevail, the whole Property of* Ireland *depends upon the arbitrary Will of a Majority of the Trustees.* How sensible his Majesty's Subjects of *Ireland* are, will I hope appear to the World by better Proof than this Address; but really I confess I don't understand what is meant by *Arbitrary Will.* Arbitrary Power is indeed to be understood, but the Force of *Arbitrary* when added to Will, which is the same thing, I cannot perceive: the Addressers will have a terrible Word, and they are not sure, but apply it as they will, it may do Execution; why not as well as *Teague*'s Gun go off, whether charg'd or not? But it is a poor Task to criticize on an *Irish* Address, and yet if you take the word *(Arbitrary)* out of this Sentence, no Sense will remain; for then no more is said, but that the Parliament has made the Trustees Judges of Mens Properties, and therefore all those Properties are subject to their Judgment. This is wonderfully surprizing, and enough to disquiet the whole Kingdom.

The Trustees vindicated.

But tho they can't express themselves, they would be understood to mean, *That the Power of judging of Mens Properties being committed to the Trustees, Men are afraid that they are unsafe in their Possessions.* That this Act was necessary to be made, and this Power to be given by the Act, has been prov'd already. The Grievance then (if any) must be, that these Gentlemen are made Trustees; my Acquaintance is but with few of them, and I knew not above three of them before I left *England.* But the Honourable Way of their being appointed, makes me believe them as fit for that Trust as any can be; because I know not any Persons fitter to name them, than the Honourable Representatives of the People of *England:* and the Choice is justify'd beyond Exception, in that the Addressers (who are as vigilant as

as Envy) have not charg'd them with any Misbehaviour in particular, tho in many parts of this Addreſs they complain of the Execution of the Act in general.

The Fifth Article.

That the Power given to the Truſtees is ſo arbitrary and unlimited, that all Perſons under colour of Diſcoveries, or upon ſome other Pretences, are liable to be ſummon'd to appear before them, and to attend their Pleaſure.

The Addreſſers are not yet out of their Fright, for they ſay, *The Power given to the Truſtees is ſo arbitrary and unlimited, that all Perſons under colour of Diſcoveries, or other Pretences, are liable to be ſummon'd to appear before them, and to attend their Pleaſure.* This Paragraph was added for Ornament, for it has the leaſt weight in it of any thing I ever ſaw. Could any Man but theſe complain, that Commiſſioners appointed by Parliament to inquire into what would be induſtriouſly conceal'd, ſhould have Power given them to compel People to anſwer proper Queſtions; and that a Court which is to judg upon Proof, ſhould be authoriz'd to ſummon Witneſſes? This Power is neceſſarily incident to ſuch a Commiſſion, and would have been good by Implication. The Inquirer, and he from whom the Anſwer to the Inquiry is expected, are Relatives. Theſe Gentlemen ſeem to me, to have copy'd the Bull of their Countryman, who ſaid his Mother was barren; but perhaps they mean the Hardſhip is, that Perſons ſhould appear before and attend them. This indeed would be a learned Debate, whether the Witneſſes ſhould go to the Court, or the Court go to the Witneſſes? There is an excellent Precedent to this purpoſe to be found in the Argument of the Grave-diggers in *Hamlet*. Your Honours may think this too ridiculous to be intended, yet (I am credibly inform'd) a late eminent Council dignify'd with more Titles than one, argu'd it ſolemnly at the *King's-Bench Bar*, That the Truſtees had no Power to ſend for a Man out of Priſon, becauſe they might go to the Priſon themſelves, and the Goaler was bound by the Act to let them in. Now I find this Argument was fram'd at a Conſultation, and I pretty well gueſs who ſat Preſident. Were it my buſineſs to ſay any thing on behalf of the Truſtees, I would thank the Addreſſers for this Paragraph; for there cannot be a greater Complement paid them, than after they have been executing the Act for near two Years, to complain of an unlimited Power given them by it, and not to ſhow one Inſtance of their Abuſe of that Power. But I am for my ſelf and my poor Suffering Brethren; ſo I'll go on to the next Paragraph.

The Power of the Truſtees not arbitrary.

The Sixth Article.

That this Act is a great Diſcouragement to Proteſtant Proprietors to lay out Mony on Improvements, upon account of the Uncertainty of Title to Eſtates here; it being conſtru'd not only to ſubject Titles eſtabliſh'd by Judgments and Decrees of the higheſt Courts of Law and Equity here to the Examination of the Truſtees, but in expreſs Terms defeats a Title confirm'd by an Act of a Parliament, legally conven'd and held under your Majeſty within this Kingdom.

If by this Article they did not wholly caſt off and diſown all manner of Subjection and Dependence upon *England*, they could not think it either matter of Wonder or Complaint, that the Supreme Legiſlature ſhould eſtabliſh a Judicature, with Power to rehear and re-examine the Judgments and Decrees of any other Courts whatſoever, and not only ſuch as were given or pronounc'd by Judges and ordinary Magiſtrates, but by an Act of Parliament it ſelf, tho ever ſo legally held and conven'd even in *England*, and much more in a dependent and ſubordinate Province. In anſwer therefore to that notable Suggeſtion concerning the Uncertainty of Titles, I ſhall only ask them whether they think it not a ſafer and better aſcertain'd Title that is purchas'd under the higheſt Authority of an *Engliſh* Statute, than under the Grantees, or an Act of an *Iriſh* Parliament? If this be a Point too intricate and knotty for their cloudy Conceptions either to anſwer or comprehend, I ſhall leave it to their own Experience to convince them of their Folly.

The Act does not diſcourage Proteſtant Proprietors.

The Seventh Article is anſwer'd before with the Firſt.

The Eighth Article.

We are perſuaded that the Parliament of England *were in no ſort appris'd, either of the Hardſhip or dangerous Conſequence of this Act, and are ſenſible that the whole Act is grounded upon groſs Miſinformations given 'em concerning the Value of the Forfeitures, which were repreſented by the Perſons intruſted with that Inquiry, to be at four times the Value of what they will be found to amount to. We will not affirm this was done wilfully, or to ſome private Ends: But we muſt ſay,*

ſay, and can make it plain beyond denial, that all Proofs offer'd to them in their Inquiries, tho never ſo plain and evident, were diſregarded and rejected, when they tended to leſſen the Value of the Forfeitures, and deprive them of a Handle for making their exorbitant Report.

This Article relating altogether to the Truſtees, or rather to the former Commiſſioners of Inquiry, I waited on one of them, and ſhew'd him this part of the Addreſs, who aſſur'd me that there was not the leaſt Colour of Truth in this mighty Accuſation; he told me the Methods the Commiſſioners took upon their former Inquiries, were to extract out of the ſeveral Grants and Inquiſitions, the Denominations and Quantities of the forfeited Lands, and then they threw them into Counties and Boroughs, and took a Circuit thro the whole Kingdom, and examin'd on Oath to the Values of all the Lands within each Barony; and had all the Lands found by Inquiſition and what paſt in Patent been forfeited, which were all valu'd and computed in the Report, he aſſur'd me they would have fully anſwer'd their utmoſt Valuation; and he gave me ſeveral Inſtances of great Quantities of Lands included in Grants, and not forfeited, or by this Act veſted in the Truſtees, particularly 13000 Acres were paſt in the Duke of *York*'s Patent, and was no part of the private Eſtate or ever in poſſeſſion; and that he believ'd near 100000 Acres might ſtand upon the ſame Foot: ſo that what Errors they committed were from Matters of Record; and that after Deductions made for what is taken out of the Truſt by Clauſes in the Act, and by allowance of Claims, they could not even at this day make a better Calculation of the Value of the forfeited Lands, than what is contain'd in that exorbitant Report here complain'd of. The Addreſſers, ſaid he, need not have boaſted in the latter part of this Clauſe, *That they could make it plain beyond denial, that all Proofs offer'd to them in their Inquiries, tho never ſo plain and evident, were diſregarded and rejected, when they tended to leſſen the Value of the Forfeitures, and deprive them of a Handle for making their exorbitant Report.* 'Tis true, the Agents for the Grantees did bring in their ſeveral Rent-Rolls, and offer'd all the Proofs they could to leſſen the Forfeitures, *which were diſregarded and rejected*, they chuſing rather to rely on the Oaths of the Tertenants and a View of the Lands, than believe thoſe whoſe Intereſt it was to deceive them: and had ſuch their Proofs prevail'd, your Honours had indeed been impos'd upon, for the Truſtees generally ſpeaking have let the Lands for about double the Rent theſe honeſt Agents brought them in at, and yet the Lands are generally thought to be much under-let at this day.

The Value of the Forfeitures not miſrepreſented.

The Ninth Article.

And we muſt add, that the Expences to which this Kingdom hath already been put in Attendance upon the Truſtees, with Council, Witneſſes, in Fees to their Officers, &c. the Salaries of the Truſtees themſelves, aud of near Relations to ſome of them, and other Perſons put into Imployments, with great Allowances under them, with other Charges, which the Act hath occaſion'd to this Kingdom, is caſt up, will exceed the utmoſt that the Act even as now executed can produce: Such a Sum might without Grievance or Complaint have been laid equally on the Forfeitures in Ireland, *and thereby the Publick might have receiv'd ſome Benefit, and this Kingdom not have groan'd under a Burden, which nothing but the laſt Neceſſity forces her to complain of in this manner: ſomething of this kind may yet be done, tho not near to what might have been before the Country was ſo impoveriſht by means of the Act.*

This Article, like the laſt, relates only to the Truſtees; and therefore I ſhall only obſerve in a few words to your Honours, what occurs to me as a Perſon unconcern'd, and very little acquainted with the Executive part of this Act. As to the Salaries of the Truſtees and their Officers, I find they are all to be defray'd out of the Produce of the Forfeitures themſelves, and therefore it is no leſs weakly than maliciouſly offer'd as a Grievance to the Nation, ſeparate and diſtinct from the Act it ſelf: for ſince the Revenues of the forfeited Lands are to be diſpos'd of to the Uſe of the Publick, it is all one to *Ireland* which way or to what Perſons they are diſtributed; and as to the Fees paid to their Officers, I have been inform'd they are much more moderate than in any of the other principal Courts of Record in this Kingdom; neither do the Officers receive them to their own Uſe, or of the Truſtees, but they are as much return'd upon account to the Publick as the Income of the forfeited Eſtates. If the Salaries allow'd to their Officers ſhould be thought greater than they well deſerve, the Remedy will be very eaſy and obvious, ſince I find by the Act that their Mony is only advanc'd to them by way of Impreſt. But it

The Salaries of the Truſtees juſtify'd.

it ſeems to me a feeble Effort of their Spleen and Envy, to accuſe them of imploying a few of their Relations under them, and ſuch who are no way defective either in Ability, Diligence, or Integrity, the want of which Qualifications ought to be the only Obſtacles in Matters of this nature. It is therefore no Surprize that a commendable and laudable Endeavour to provide for the Advancement of a near Relation, ſhould be here repreſented as a Vice, ſince one of the chief Promoters of this Addreſs has been ſo notorious for the neglect of his Duty in this particular, who by his Dexterity in managing the Forfeitures has advanc'd himſelf to a very conſiderable Eſtate, yet can ſcarcely find in his Heart to allow his own Father (to ſay nothing of his other Relations) ſo much as a comfortable Subſiſtence, he being oblig'd to ſell Ale for his Livelihood.

I ſhall now proceed to conſider the latter part of this Article, which ſeems to me ſo very extraordinary and unaccountable, that I know not whether it will more work upon and excite your Honours Laughter or Deteſtation; for their Inſolence and Ignorance ſeem to be here outvying one another, and contending for the Superiority. They think fit to let your Honours know, that tho they would have formerly been content to ſuffer an equal Impoſition to be laid upon the Forfeitures, which muſt without doubt have been in proportion only to the inconſiderable Values they had formerly return'd to the Grantees, and moſt impudently impos'd on his Majeſty, your Honours muſt not now expect ſo favourable Terms of Compoſition with them; and that the Articles of Peace and amicable Agreement are now very much alter'd, ſince they have been ſo impoveriſh'd by means of the Act. Now I would fain ſee the Man in *England*, who does but conſider that theſe Addreſſers are now no more concern'd in the Propriety of theſe Eſtates, than the forfeiting Perſons themſelves, who would not burſt out into the utmoſt degree of Merriment, to ſee the pragmatical Impertinence of this Propoſal tendred to the King and Parliament by theſe Trinculo's, and fantaſtick Vice-Roys, theſe errant *Sancho Pancha's*, and Squire-like Governours of their wild and inchanted Iſland. *The Addreſſers how concern'd in the Forfeitures.*

How would *Democritus* laugh to ſee People bartering and driving a hard Bargain with the Parliament for what belongs intirely to themſelves, accuſing them of Severity, if not Injuſtice, for taking away ſo much of their own? It puts me in mind of a Story of a Highwayman that ſet up for a great deal of Conſcience; and as he and his Companion were rifling an unfortunate Traveller, he was ever and anon reproving his Companion for Hardſhips done to the Captive, and ask'd him if he had no Conſcience? At laſt when the Work was finiſh'd, the poor deſpoil'd Traveller addreſt himſelf to his courteous Robber for ſome ſmall Part of what was but very lately his own, to bear his Charges to his Journy's end. The good-natur'd Thief readily comply'd, and held out a Hat to him fill'd with his own Spoils, and bid him take as much as he pleas'd: The poor Traveller ſurpriz'd with the Favour, greedily thruſt both his Hands into the Hat, and drew them out laden with Mony: Which as ſoon as the conſcientious Thief eſpy'd, he held up his Fiſt at him for a Rogue, and ſaid, Have you no more Conſcience? In what an unrighteous Age are we fallen, where a Parliament is ſo unconſcionable as to reſume ſo much of their own? But I ſhall now conſider the Concluſion of this Addreſs.

The Concluſion.

May it therefore pleaſe your Majeſty to ſuffer us upon this Occaſion to aſſure your Majeſty that your Proteſtant Subjects of this Kingdom are ſo ſenſible of the unexpreſſible Favours they have receiv'd from your Majeſty, and of your tender Care of them, that nothing can ever ſhake their Faith and Duty to your Majeſty; and that whatſoever the Malice of their Enemies may, for private Ends and ill Deſigns, ſuggeſt to the contrary, no Inducement whatſoever can prevail with them to endeavour to make, or ſo much as to wiſh themſelves independent of, or not ſubject to the Crown of England: *And that none of your Majeſty's Subjects of any of your Dominions will upon all Occaſions, ſhow a more forward and ready Zeal to maintain and defend, againſt all Oppoſers whatſoever, your Majeſty's Sacred Perſon and Government, the Proteſtant Religion, the Laws, Liberty, and the Rights of the Crown of* England, *than your Majeſty's Proteſtant Subjects of* Ireland.

This Paragraph is the laſt, and it muſt needs be ſo, for now the whole Plot is diſcover'd, and the Penman got to the higheſt Pitch of frontleſs Inſolence; the whole Aim of the Libel is clearly open'd, and it is to inſinuate to his Majeſty, That the Parliament is rifling the Prerogative, and ſtripping the Crown of its Rights, and to offer their Service to chaſtiſe them for ſo doing. But his Majeſty is above ſuch little *The falſe Inſinuations of the Addreſſers.*

Flat-

Flatteries, and these half-witted Statesmen cannot fathom the Genius of the Hero. Indeed one would think that this Act, and the Execution of it, had so *disquieted* their Minds, that they had lost all manner of Understanding: Tho there is one thing in it falls out very luckily for them, which I dare say they did not think of; the Poverty and Misery which they represent in one part of the Address, renders them so despicable, that they may hope by being so low, to escape the just Resentment of the Parliament; and the want of Understanding which appears thro the whole is so great, that it will not be consistent with any Law to punish them. But who knows what may be done *by the Malice of those Enemies, who suggest, That they would endeavour to make themselves Independent of the Crown of* England? What fantastical Imaginations these poor Men have! Can any Rational Man believe, that the King, who from his Accession to the Crown has been the Spring, and has given Motion to a great Confederacy entred into for the Liberty of *Europe*, could ever let down his Thoughts so low, as to consider whether these Addressers wish'd to be Independent of the Crown of *England?*

A *Roman* Senator, whose extraordinary Knowledg as well as Care of the Affairs of the Publick, made him known and eminent, was met in the Streets by one whose Name and Face he was unacquainted with, and with much Importunity desir'd to give him a Hearing, while he clear'd himself of a Misrepresentation made of him and his Actions when he was in *Gaul:* The Senator reply'd, I protest, Sir, I never so much as once heard that you had been in *Gaul.*

I should now leave off to trouble your Honours with the Insolence and Folly of these Addressers, but that I saw the Address when it came recommended to me with a Circulatory Letter, which was sent to all the Counties of *Ireland*, which I must crave leave to lay before your Honours, *viz.*

Dublin, Decemb. 23. 1701.

Gentlemen,

The Circular Letter of the Addressers.

'TIS the Opinion of our Friends in *England*, who have an Opportunity to make the best Judgment of Things, that if the King be rightly apply'd to, it may be in his Majesty's Power to procure us a Relaxation of the Grievances, which the Act of Resumption has brought upon us. They therefore have taken care to meet frequently to consult of proper Methods, and have imparted their Thoughts to us. We have follow'd their Advice, and have made it our Business to have the Sense of the Nobility and Gentry here concerning the same Affair. The Result of all the Consultations both there and here, and our unanimous Opinion is, That the best and indeed only Way, is for all the Counties in this Kingdom to represent our Grievances, and implore his Majesty's Favour and Assistance.

The Parchment enclos'd, is the Tenor of all the Addresses that we have sent to other Places: That which we intreat from you, and our good Friends of your County (as we have from Worthy Gentlemen and true Lovers of their Country, in all other Counties of *Ireland*) is, That you will with all your Interest recommend this Address at the next Quarter Sessions; the easiest and most concise Method will be to have it read publickly, and signed by the Justices of the Peace, Grand Jury, Clergy, Gentlemen and Freeholders of the County. When it is sent up hither (which pray do with all Expedition) due Care shall be taken to have it sent and presented to his Majesty by acceptable Hands. The Service you will do your Country, and the Obligations you will lay on the Protestants of this Kingdom, will be so great, that 'twill be needless to say by way of Incitement to you, that your Care in this Affair will greatly oblige

Your Affectionate Friends and Servants,

Meath

Meath C. S.	*F. Butler.*	*A. Davis.*
Inchiquin.	*H. Davis.*	*Ed. Wingfield.*
Abercorn.	*Ja. Corry.*	*B. Butler.*
Bleſſington.	*Ja. Topham.*	*Tho. Aſh.*
H. Titchborn.	*Art. Shaen.*	*Dav. Brightone.*
Guſ. Hamilton.	*Jo. Dillon.*	*Wm. Connolly.*
J. Davies.	*J. Ormſley.*	*M. Cogbill.*
Ed. Braſier.	*H. Weſtenra.*	*S. Dopping.*
R. Adaire.	*Wm. Crow.*	*C. Campbell.*
J. Corry.	*Jo. Davis.*	*D. Golborne.*
Iſ. Advell.	*Tho. Burdett.*	*Rd. Owen.*
Tho. Carr.	*Da. Bryen.*	*Jo. Winſtanley.*
He. Tenniſon.	*M. Bridges.*	*Geo. Mereſield.*
Tho. Burdett.	*R. Johnſon.*	
D. Brien.	*B. Townley.*	

'*Poſtſcript.* As ſoon as you have got this ſigned, let it be returned to *Marma-*
'*duke Cogbill* and *William Connolly* Eſquires, who will take care to tranſmit it to pro-
'per Perſons in *England* to preſent it to the King.

Remarks on the ſaid Letter.

Who thoſe Friends of theirs in *England* are, your Honours may eaſily find, and puniſh them too when found; they do not appear (as I believe they will by the Model of them at this ſide of the Water) too little for your Reſentment. The Reſult of all their Conſiderations both there and here, lie now before your Honours in this matchleſs Addreſs. But the unanimous Opinion of the Gentlemen on this ſide the Water, that all the Counties of *Ireland* ſhould lay their Grievances open in the preſcribed Form, is as ridiculous as if all ſhould complain they were Maritime or all Inland Counties; for in ſome Counties not an Acre is forfeited, or any Man concern'd in the Forfeitures, nor have they heard of the diſquieting Doctrine in the 4*th* Article of the Addreſs; and I have been inform'd that in ſome Counties, the Promoters of it had not Intereſt enough to get it ſign'd, and in others not ſo much as to get it propos'd.

The reſt of the Letter contains nothing but ſweetning Words to inveigle Subſcribers, ſuch as *our good Friends of your Country*, that they who do this are *worthy Gentlemen and true Lovers of their Country.* The Subſcribing is call'd, *the Service you will do your Country.* If I was not reſolv'd to the contrary, this would move me to Indignation, to ſee thoſe Sacred Arguments profan'd to ſuch impious Uſes. Is it Service to your Country to endeavour to exempt it from the Legiſlature and Laws of *England*; your Obedience to which is the ſmall Return they expect for their expenſive Protection and Preſervation of you? Are you good Friends to your Country, when in complaiſance to a few inconſiderate Perſons, inrich'd with the Spoils of the Publick, but fretted to Skin and Bone with the Diſappointment of their Hopes of yet greater Acquiſitions, you join with them in ſuch petulant Reſentments as may provoke the Power of *England* to forſake or puniſh it? This is ſo groſs, that but few can be impos'd upon by it, and therefore I preſage many a Skin of Parchment will be loſt upon this Occaſion.

The Poſtſcript is ſhort, but deſerves a longer Remark than I can give it, I deſire the Gentleman's leave to make a ſmall Amendment; inſtead of (*as ſoon as*, &c.) I would have (*if you can get*, &c.) That will be more modeſt, and the Diſappointment not cauſe ſo much Laughter: When it is ſign'd it is to be ſent to *M. C.* or *W. C.* who will take care to tranſmit it to proper Hands in *England.* One of thoſe Gentlemen I don't know, but I gueſs his Name is made choice of to countenance the other, of whom if I did not make ſome Relation, ſeveral Expreſſions in this Paper might ſeem harſh and ſevere; but when compar'd with the Merits of the Man, muſt be judg'd tender and merciful; and I ſhall the rather do it, that your Honours by knowing who promoted this Libel, may ſee the End aimed at by it, and the Motives to it: He is one whom Fortune in a frolickſom Mood has rais'd from the loweſt of the People, to make him equal in Eſtate with the Peers of the Realm. When his Majeſty obtain'd his Glorious Victory at the *Boyne*, this Man could not reckon of his own as many Pounds as he does Thouſands now; his yearly Expences have from that time exceeded his viſible Acquiſitions; his manner of living was ſo profuſe that he got Followers, and was ſtiled Prince *Conelly*. Add, he has not only been ador'd by the Baſe and Vul-

Account of Prince Connelly.

gar, but he has been ſo honour'd and careſs'd by Men of Station and Figure, that he has had the ſaucy Haughtineſs to inſult one of his Majeſty's Judges of Aſſize on the Bench, and to tell him, *He ſhould come that Circuit no more.* Nay, ſuch Reverence is paid to Wealth (however gotten) that at the Hearing of a great Cauſe lately in the Court of *Chancery*, where a Debate aroſe in what County an Iſſue ſhould be try'd, the Event of which would diſpoſe of a Noble Eſtate; one of the firſt within the Bar, ſignally ready to ſerve this Childleſs Man, told the Court, that he muſt except to about five Counties, becauſe this Man was Agent in the Cauſe for the oppoſite Party, and had by his Merit juſtly procur'd to himſelf ſuch Intereſt in thoſe Counties, that his Clients could not with ſafety conſent to have a Trial in any of them. What unhappy Speakers are Men that are Paſſionate; and how unlucky is a forc'd and unreaſonable Complement! 'Tis a new way of proving a Man's Merit, to ſay that where he is Agent in a Cauſe, he will uſe all his Intereſt to ſway and corrupt a Jury. The Diſcreet and Upright gaz'd at this glittering Meteor, and admir'd from what undiſcover'd Mine he had rais'd ſo much Riches: But now the Myſtick Knot is untied, the Commiſſioners for enquiring into the Forfeitures open'd the Scene, and the Truſtees have ſet him in a true Light. When he had Power given him to ſell an Eſtate, he took 2500 *l.* for the Purchaſe, and would have but 2000 *l.* mention'd in the Conveyance. Theſe things are own'd, and this is call'd *Experience in Buſineſs*; but there is a much fouler Fact than this prov'd upon him, which I am perſwaded he would own too, if the Fear of Puniſhment affected him no more than the Guilt does.

A remarkable Trial about a Claim on the E. of Tyrconnel's *Eſtate.*

A miſerable Wretch (one *Parker*) had a Claim for Ten or Eleven thouſand Pounds before the Truſtees, on the Eſtate of the late Earl of *Tyrconnel*. Upon the Hearing it appear'd there was a forg'd Deed, a forg'd Will, a feigned Death and Burial, and indeed nothing real in the whole Matter, but that there was ſuch a Man as the Lord *Tyrconnel*; and there are the Lands claim'd. This Claim was diſmiſt, *Parker* ſentenc'd to pay the Penalty of Ten thouſand Pounds, and the Witneſſes order'd to be proſecuted; and they were accordingly afterward found Guilty of Perjury. This was by all eſteem'd a bold Effort of Villany, and held to be too great to be contriv'd and carried on by that deſpicable Miſcreant alone; ſome Abettors he muſt certainly have, but as yet no body could ſuſpect who they were. A ſhort while after an Accident threw *Parker*'s Papers into the Hands of the Truſtees, and ſo it was diſcover'd that this Man ſollicited and carried on the Claim; and that the whole benefit of it, except three or four thouſand Pounds, was to accrue to him: This I was told appear'd to the Truſtees upon a private Examination, and that they came to a Reſolution about it. But this Man inſiſting upon his Innocence, obtain'd of the Truſtees a publick Hearing: The Day appointed for it came, and Crouds flock'd to the Court, and the whole Country ſeem'd as much concern'd as if that Day's Trial was to decide all the Rights and Properties of the People of *Ireland*. My Curioſity led me thither too, and I ſtaid full twelve Hours whilſt the Cauſe was in agitation: I am not able to ſum up the Particulars of the Evidence; but upon the whole, out of many of his own and *Parker*'s Letters, out of the Draughts of Deeds drawn by his deareſt Friend, out of the Deeds executed by himſelf, and out of the forged Deeds and Wills it appear'd as evident as Light. And the Truſtees I am told were unanimouſly of Opinion, that he was Party and Privy to the Claim, and was to receive the greateſt part of the Benefit of it allow'd.

And now ſince the Labours of my Youth, and the Support of my Age were attempted to be taken from me, by ſuch as I have lately deſcrib'd, I may be allow'd to be warm in the defence of it, and zealous in this Cauſe. When I ſpeak of the Addreſſers, I mean not all that ſign either the Addreſs or Letter, for I have ſhew'd before by what Means moſt of them were prevail'd upon; and much leſs would I be underſtood to intend all the Gentlemen of *Ireland:* When I uſe more general Expreſſions, I declare only againſt thoſe whoſe Hands have been deep in the Publick Mony; and when call'd upon by a Parliament in *England* to give up only what is left of it, trump up a wild Fancy of their own, and draw in other innocent Perſons to the ſame Opinion, ſtiling it for the Liberty of the Country, that the Parliament of *England* ought not to make Laws for them. If ſuch Pretences as theſe would hold, all Offenders would plead to the Juriſdiction of the Court that was to try them. *Ireland* is a Country that as well deſerves Eſteem as moſt in the World: The Clime is temperate, the Soil fruitful, and the Rivers commodious: Its Inhabitants,

bitants, the Proteſtants (I ſpeak it by Experience) are diligent and laborious to get an Eſtate, and generous and genteel in the uſe of it. Their Addreſs and Converſation is courteous and modeſt; and upon the whole, both the Country and People are ſuch as I would chuſe, and I am fully reſolv'd my Debentures ſhall procure me Lands for my own Tilling. It can't be thought then that any of the hard Expreſſions in this Paper ſhould relate to them; I mean none by it but thoſe who have withdrawn their Allegiance to the Laws of *England*, by ſetting up the weak Doctrine of Independency; the moſt conſiderable part of the Nation having diſclaim'd ſuch an abſurd Opinion, by being humble Suitors to you, amidſt your own weighty and immediate Concerns, to make Laws for them, once to declare the late King *James*'s pretended Parliament here to be a Rebellious Aſſembly, and to reſtore Corporations to their Charters evicted from them by *Quo Warranto*, or otherwiſe: And at another time, that Papiſts ſhould be incapable to ſit in either Houſe of Parliament, and that none but Proteſtants ſhould be qualify'd for the Bench or Bar. This is a Country that every way deſerves your tender Care, as being certain to improve under it, and which will repay with large Increaſe, whatever Cultivating is beſtow'd upon it. I don't deny but that the firſt Care of the Body Politick is due to the Heart and Vitals, but from thence the Aliment is to be diſtributed to the more remote Parts. I know your Juſtice is ſuch, that you will make no Laws that ſhall ſeem burdenſom to this Country; but when it is either neceſſary, or the Conveniency evident under your Government, then we ſhall be ſafe and happy, and you powerful.

Character of the Proteſtants of Ireland.

To the Honourable the Knights, Citizens and Burgeſſes in Parliament aſſembled, the Humble Petition of the Members of the Common-Council of the City of London, *hereunto Subſcribing.*

Printed in 1690.

This ſhould have been inſerted in p. 169.

SHEWETH,

THAT your Petitioners humbly conceiv'd and hoped, That the late Act of Parliament for Reverſing the Judgment in the *Quo Warranto* againſt the ſaid City, would have reſtor'd the City to its antient Rights and Privileges; but the contrary happening, your Petitioners beg leave to repreſent to this Honourable Houſe,

That notwithſtanding the ſaid Act, ſeveral Aldermen of the ſaid City, made or elected by virtue of Commiſſions or Charters from the late King *James* under his Great Seal, act ſtill as Aldermen by that Authority, under pretence, That by ſome doubtful Expreſſions in the ſaid Act they are continued, as well as Miniſterial Officers.

That by colour of their aſſum'd Authority and illegal Proceedings, Sir *Thomas Pilkington* was by them, on the Day of Election appointed by the ſaid Act, declar'd and made Mayor, tho not duly return'd by the Common Hall, according to the Uſage of the City.

That by the Contrivance of the ſaid Mayor and Aldermen, Mr. *Leonard Robinſon* is impos'd on your Petitioners as Chamberlain of the City, notwithſtanding another Perſon was duly elected into that Office, and declar'd ſo to be by the Sheriffs; and the Hall thereupon diſſolv'd.

That divers Members of our Common-Council were illegally excluded; and others, duly elected, are refus'd their Admittances.

That the Place of Town-Clerk having been vacant three Months and upwards (an Office of great Truſt in the City) and only eligible by, and in Common-Council, the ſaid Mayor and Aldermen have, of their own Authority, appointed ſeveral Perſons to the Execution thereof, without the Conſent of the Common-Council, againſt the conſtant known Rights of your Petitioners.

That

That your Petitioners have not been ſuffer'd to meet and conſult about the neceſſary Affairs of the City, according to their antient Rights and Cuſtoms.

That a Common-Council being ſummon'd and aſſembled, about the third Day of *October*, many Debates ariſing concerning the Premiſes, and ſeveral Motions being made, and the Majority of the Common-Council agreeing, that for ſettling the Rights of the City, an humble Addreſs ſhould be made to this Honourable Houſe to explain the ſaid Act: And thereupon the Queſtion being deſired to be put, the ſaid Mayor refus'd it; and to prevent any ſuch Application, immediately diſſolv'd the Court, and went away.

Wherefore your Petitioners having, by theſe evil Practices, all their antient Rights and Privileges invaded, and neither Mayor, Court of Aldermen, Sheriffs, Chamberlain, Common-Council, or Town-Clerk, as of Right they ought to have; and being elſewhere without Remedy, humbly pray ſuch Relief in the Premiſes, as ſhall conſiſt with the Wiſdom and Juſtice of this Honourable Houſe.

And your Petitioners, as in Duty bound, ſhall ever pray, *&c.*

William Dodſon,
Ralph Box,
Richard Alie,
Will. Withers,
Richard Holder,
Rob. Bedingfield,
John Midgley,
Nich. Alexander,
John Wright,
John Genew,
Mich. Preſcott,
Dan. Templeman,
Tho. Mills,
Tho. Siſſan,
James Oades,
John Hardrett,
John Owen,
Peter Pickering,
Will. Saltmarſh,
Edw. Aſton,
Hugh Strode,
Will. Woodroffe,
Tho. Blackmore,
Abraham Jaggard,
Tho. Rogers,
Geo. Bearcroft,
Rob. Maſter,
James Cooke,
Tho. Darwin,
Rich. Beauchamp,
Will. Thatcher,
Iſrael Knowles,
John Slyford,
Tho. Gardiner,
John Groſſe,
John Bland,
Iſaac Brand,
Henry Lewes,
James Hudſon,
Ben. Ayloffe,
John Weſt,
John Knapp,
John Johnſon,
Fran. Brerewood,
Richard Goodall,
Anth. Gregory,
Tho. Salter,
Will. Lewen,
Peter Floyer,
Rob. Littlebury,
John Moore,
Will. Fownes,
John Webb,
Fran. Minſhall,
Will. Yate,
John Greene,
Percival Gilborn,
Edw. Herne,
Will. Rous,
Tho. Symons,
John Moore,
Law. Coles,
Geo. Newland,
James Woods,
John Cooper,
Mich. Symonds,
Cha. Feltham,
John Blake,
James Smith,
John Kent,
Paul Wicks,
Sam. Gerrard,
Symon Wilmott,
John Dowley,
Will. Strange,
John Saunders,
Edw. Morſe,
Nich. Smith,
John Weſtbrooke,
Tho. Langham,
Walter Coventrye,
John Cooke,
Henry Clerke,
Rich. Yerbury,
Ralph Izard,
Edw. Shaller,
Edw. Norman,
James Clement,
Rich. Edmondſon,
Rich. Hoare,
Will. Pett,
Rich. Weedon,
Sam. Ongley,
Geo. Benſon,
Tho. Short,
Sam. Leake,
Auguſtin Marriet.
John Sawyer,
Will. Reeve,
Roger Reeve,
Fran. Griffith,
Tho. Templer,
Sam. Clerke,
Geo. Coke.
John Stevenſon,
Jer. Wayte,
Jer. Elwes,
Rob. Brough,
Sam. Walton,
Rich. Hamond,
John Foſter,
John Freeman,
Dan. Browne,
Phil. Scarth,
James Foulis,
Edw. Polhill,
W. Pellatt.

FINIS.

AN

Alphabetical Table.

A

ABdication *vindicated*, 275. *An abdicated Prince is only a private Perſon, and can give no Commiſſion for War on other Nations*, 466. *No Repriſals can be made upon him*, ibid. &c.

Abraham's *way of purchaſing Land*, 697.

Addreſs *of the Inhabitants of the County of* Dublin *to the King, about the Bill of Reſumption of the* Iriſh *Forfeitures, with Remarks on it*, 775. *The Authors of it charg'd with Ingratitude*, 776. *Their Intereſt in the Forfeitures*, 781. *The Addreſſers circular Letter*, 784.

Admiralty *charg'd with Miſcarriages*, 640.

Affairs *in* England *partially conſider'd as to their State*, vid. *State.*

Alexander *and the* Saracens *firſt accounted Robbers*, 469.

Allegiance *not inſeparable from the Perſon of King* J. II. 111. *Due only to K.* William *our Deliverer*, 402. *How* Allegiance *is to be transfer'd*, ib. *It follows the Crown*, ib. *Transferring of it juſtify'd*, 404. *By Law only due to their Majeſtys*, 405, 410.

Almanzor *the Great his political Maxims*, 367.

Ambaſſadors *conſider'd*, 463. vid. *Embaſſadors.*

Antonio *King of* Portugal *his Caſe ſtated*, 472, 473.

The Apoſtles *bad Trades and Imployments*, 149.

Armſtrong *(Sir* Thomas) *Remarks on the Award of his Execution*, 49. *The Injuſtice of denying him his Trial*, ibid. *Unfair dealing of the Attorny General by him*, ibid.

Army *(a Standing) inconſiſtent with a free Government*, 564. *Arguments againſt it*, 565 *to* 583. *Patriots in the late Reign for one now*, 566. *Inſtances of ſeveral Nations that loſt their Liberties by Standing* Armys, 568. *How the* Venetians *and* Dutch *have preſerv'd their Liberties with Standing Armys*, 569. *The Caſe of* England *as to a Standing Army*, ibid. *Pretences for a Standing Army examin'd*, 570, &c. *Army and Militia conſider'd*, 573. *Standing Army accounted a Grievance in King* Charles II. *Reign*, 575. *The firſt Project of a Standing Army*, 577. *The Conſequences of a Standing Army*, 579, 580, &c. *Worſe than a foreign Invaſion*, 581. *The King declares againſt a Standing Army*, 583. *Arguments for the neceſſity of one conſider'd*, 588, &c. *Standing Army in* 1684. *were about* 8000 *Men*, 662. *In* Ireland *it was increas'd to* 7700 *Men*, 663. *Foreign Forces diſbanded in* Ireland, *and Debates about diſbanding the Army in* England *after the Peace*, 686. *Courtiers are for a Standing Army*, 667. *Danger of Slavery by an Army*, 673. *Pretences for a Standing Army*, 674, 675. *Accidents in diſbanding the Army*, 675. *More Reaſons for diſbanding the Army*, 676. *Reaſons for a Standing Army examin'd*, 684. *Inconveniency and Uſeleſneſs of a Standing Army*, 686. *Diſbanding of it alledg'd to be of fatal Conſequence*, 737.

Standing Army *argu'd for in the Ballancing Letter, and the Reaſons examin'd by the Author of the Argument againſt a Standing Army*, 590 *to* 594. *Dangers from a Standing Army*, 592, 593. *Standing Army or Militia neceſſary*, 613. *The Ill of a Standing Army in time of Peace*, 647, 648. *Hiſtory of a Standing Army in* England, 653 *to* 678. *The diſmal Effects of them in ſeveral Countries*, 656.

Aſhton's *Paper deliver'd at his Execution, and the Anſwer to it*, 104 *to* 116. *Suſpicion of its being made by another Hand*, 105. *Paſſive Obedience not the Cauſe of his Suffering*, 106. *Charges the Nation with Perjury and Rebellion*, 113. *He had no hard Meaſure*, ibid. *Treaſon proved upon him*, 114. *The Judges and*

Jury vindicated, ibid. *Had no Reaſon to aſſert his Innocency*, 115. *Reflections on his Prayer*, ibid.

Aſſaſſination, *See* Conſpiracy *againſt the Life of King* William.

Athlone *(the Earl of) vindicated about his Grant of the* Iriſh *Forfeitures*, 768.

Atkins *(Lord Chief Baron) his Speech in the Exchequer Court, to Sir* William Aſhurſt, *Lord Mayor Elect of* London, *in* Octob. 1693. 361 *to* 367.

Attainders *too frequent in* Hen. VIII. *Reign*, 553. *None in Queen* Eliz. *time*, 554. *Earl of* Strafford's *Attainder ſtated*, ibid.

Avarice *one of the Cauſes of our Misfortunes*, 179. *Occaſion'd by* French *Mony*, 180.

Authority *ends when Protection fails*, 403.

B.

BAllance *of Property where?* 632. *Turn'd towards the Commons in King* Hen. VII. *time*, ibid. Ballance *of Power neceſſary*, 646.

Ballancing *Letter about keeping up Land-Forces in time of Peace*, 585 *to* 590. *Letter to the Author of the* Ballancing *Letter about a Standing Army*, 590 *to* 594.

Bankers *their Caſe ſtated*, 745, 746.

Barbeſieux *concern'd in the Deſign of aſſaſſinating King* William, 281. *A principal Promoter of it*, 284, 289.

Bateman (Charles) *Remarks on his Trial*, 58, 59, 60. *Had been Surgeon to the Earl of* Shaftsbury; *diſtracted when he came to his Trial*, 58. *The Evidence againſt him*, ibid. *Is allow'd his Son to plead for him*, ibid. 59. *Was mop'd mad*, ibid. *The laſt Perſon executed for High Treaſon*, 60.

Bates (*Mr.*) *had a Note for* 5500 *Guineas from the* Eaſt-India *Company*, 495. *Examin'd upon it*, 497. *A Non-Juror*, 503. *Impriſon'd in the Tower*, 509.

Bellew *(Lord) his Caſe*, 767.

Betrayers *of their Country who have been charg'd with it*, 82.

Bill *for the Union of Proteſtants*; *the Deſign of it*, 71. *Agreeable to the Principles of the Church of* England, *and of all other Chriſtian Churches*, ibid. *The Conditions of it eaſy*, 72. *Approv'd by the trueſt Sons of the Church*, 73. *It can be diſpleaſing to none but Papiſts*, ibid. *Many prejudic'd againſt it becauſe of its Name*, 74. *Not prejudicial to the Eccleſiaſtical Power*, 75. *Like to be approv'd by moſt*, 76. *And by the trueſt Sons of the Church*, 77. *An Opportunity loſt of uniting of Proteſtants in King* Charles II. *time, but hinder'd by Popiſh Counſels*, 78. *Inconveniences of refuſing to paſs* Bills, 330. *'Twas the King's Intereſt to paſs them*, 332.

Biſhops (*the ſeven*) *commended*, 90.

Bophin (*Lord*) *his Caſe*, 768. *Several Examinations taken in his Caſe*, 769.

Briberies *by* French *Mony*, 425. *Debates in Parliament about* Bribery, An. 1694. *from* p. 475 *to* 522. Bribes *in King* Charles II. *his time*, 475, 476.

C.

CHamberlain *of* London *his Books examin'd by a Committee of the Houſe of Commons*, 481, 482.

King Charles I. *his Death the Reſult of Popiſh Counſels*, 83. *Was for aſſiſting the Proteſtants in* Germany, 109. *Follows the Maxims of his Father*, 633. *His Practices*, 648, 659. *Govern'd by Clergy Men*, 657. *His Government cenſur'd*, 658.

King Charles II. *might have made the Nation happy*, 83. *The Earl of* Briſtol's *Saying of him*, ib. *The prevailing Counſels in his Reign*, 84, 85. *Betray'd our Power at Sea to the* French, 231. *His Deſign to bring in Popery with the Aſſiſtance of* France, 360. *Papers proving it*, ibid. *At the Reſtoration, the Darling of the People*, 383. *His Maxims of Government*, 633. *Sets up a Court Party, and bribes Members of Parliament*, ibid. *Follows* French *Meaſures*, 639. *Practiſes on his Parliament*, 646. *His Character*, 648. *His Reign cenſur'd*, 660. *Bribes the Parliament*, 661. *Encreaſes his Guards to* 5000 *Men*, 661. *Had* 10000 *of his Subjects in the* French *Service*, 662. *Deſigns to ſet up Popery and Arbitrary Government*, ibid.

Charnock's *Letter ſpeaks the Mind of the* Jacobite *Party*, 737.

Charters *ſeiz'd diſpleaſe all the Nation but the Clergy and Soldiers*, 11. *Surrender'd by Church of* England *Men moſtly, and the Promoters of the* London *Petition*, 173. *Who the Surrenderers of* Charters? 193.

Childerick *King of* France *depoſed, and Diſputes ariſing about it*, 168, 169.

Chriſtians *their Behaviour under various Revolutions of State Government*, 159 *to* 169. *Not oblig'd to examine Titles*, 161. *They meddl'd not with Politicks*, 162, 165, 166. *Their Behaviour under ſeveral Emperors*, ibid. *Had no Communion with Perſecutors*, 168. *Primitive* Chriſtians *great Complyers with Revolutions*, 458.

Q. Chriſtina *of* Swedeland *had no Regal Power after her Abdication*, 471.

Church *uſed as a great Pretence*, 424. *None ought to go to* Church *who is not pleas'd with the Way of Worſhip*, 199. *The* Church *has made no Declaration againſt taking the Oaths to their Majeſties*, 113. *To be for the* Church *made a great Pretence*, 183. *The Hierarchy of it ſafe*, 185. Church *and Church-men two different things*, 241. *Hurting the* Church *an imaginary fear*, 346. Church *Arts made uſe of in the laſt four Reigns to ruin the Conſtitution*, 636.

Mr. Claypole's *Treatment*, 2.

Clergy-men *cry down the Popiſh Plot*, 3. *In the Intereſt of the Nation before the Reformation*, 80. *Their Complaints againſt K.* James II. 9. *Are to be ſupported in their juſt Rights*, 175. *Are no good Politicians*, 189. *Vindication of them that have taken the Oaths*, 522, & ſeq. *The Behaviour of a* Clergy-man *in the North about taking the Oaths*, 97. *The honeſt part of the* Clergy-men *commended*, 103. *How they oppos'd Popery*, 378. *The Behaviour of the Primitive* Clergy-men, 622. *The Intereſt of the* Clergy *conſider'd*, 636.

Coleman's *Letters an Evidence of the Popiſh Plot*, 3.

Colledge (Stephen) *Remarks on his Trial*, 13 to 26. *ſent to the* Tower, 13. *thence to* Oxford, ibid. *His Jury practis'd upon*, ibid. *allow'd Counſel and comes to his Trial*, ibid. *Is deny'd a Copy of his Indictment, and of the Jury, and his Papers taken from him*, ib. *Pleads for his Papers, and why Counſel deny'd in caſes of Treaſon*, 14, 15. *Arraign'd at* 12 *a Clock, and try'd at* 2 *in the Afternoon the ſame day*, ib. *Taking his Papers from him unjuſtifiable*, 15. *The firſt inſtance of a Priſoner's having his Papers taken from him, and the horrid Conſpiracy to take away his Life*, 16. *The King's Counſel have time to peruſe his Papers*, 17. *The Pretence examin'd of denying any body to come near him*, ib. *He ought to have the liberty to prove his Innocency, as the Proſecutors have to convict him*, 18. *Is try'd on a vicious Indictment*, ib. *The Witneſſes for the King give Evidence againſt him in the hearing of each other*, 20,21. *Witneſſes for him examin'd*, 21. Q. *Whether an upright Jury could have brought in ſuch a Verdict?* 22. *Many owe their Lives to his Defence*, ib. *The Improbability of the Evidence againſt him*, ibid. *Their Evidence diſprov'd*, ib. 23. *His Defence remarkable*, ib. *Witneſſes without Oath, of equal Credit with thoſe againſt him upon Oath, prov'd by Inſtances*, ib. & 24. *The Improbability of the Priſoner's ſeizing the King*, ib. *His ill Uſage a great diſcouragement*, 25.

Colledge (Stephen) *no Papiſt*, 25. *The Lord Chief Juſtice diſingenuous to him*, ib. *The Evidence not fairly ſum'd up*, ib. *His Courage*, 26. *Allow'd* 12 *days before his Execution*, ibid.

Commonwealth *impracticable in* England, 381. Commonwealth *Principles, a falſe Inſinuation made uſe of by ſome*, 635.

Company (*the* Eaſt-India) *charg'd with Corruptions and Bribery*, 478, &c. *Obſervations on the State of the Company*, 480. & ſeq. *Sums expended by them*, 512.

Compariſon *of Hands no Evidence*, 47.

Coningſmark (*Count*) *Remarks on his Trial*, 50,51. *The Ld Chief Juſtice favourable to him at his Trial*, 50. *The principal Contriver of Mr.* Thynn's *Murder*, ib.

Conqueſt *how it gives a Legal Title*, 401. *The Nature of it conſider'd*, 446, 447. *Makes a People free from former Obligations*, 446.

Conſcience, *who have, and who have not a pretence to it*, 621.

Conſent *the Foundation of all Government*, 189.

Conſpiracy *againſt the Life of K.* William, *a true Account of it*, 279 to 285. *Reflections on that horrid Conſpiracy*, 285 to 299. *Contriv'd by the* French *Miniſters*, 279. *How the manner of the Aſſaſſination was laid*, 282. *The Hiſtory of it*, 287, 288. *The* French *King privy to it*, 287, 289, 290. *Rewards promis'd to the Aſſaſſins in* France, 295. *The Characters of the Perſons concern'd in't*, 296,297.

Conveyance *by Bargain and Sale*, 696. *The Antiquity of Conveyances*, 696,697. *The Qualifications of a Conveyancer*, 698.

Corniſh (Henry) *Remarks on his Trial*, 52 to 58. *Had hard uſage*, 52. *The Evidence againſt him*, ib. *Evidence againſt him diſprov'd*, 53. *Doubtful Matter ſhould be conſtru'd in his favour*, 55. *The Effrontery of the King's Counſel againſt him*, 56. *His Uſage harder than that of others*, 57.

Cook (*Sir* Thomas) *Governor of the* Eaſt-India *Company, proceeded againſt in Parliament*, 479 & ſeq. *is ſent to the* Tower, 485. *Proceedings againſt him in the Houſe of Lords*, 486, &c. *Makes Diſcoveries*, 489,490. *Not ſatisfactory*, 503. *Act for impriſoning him*, 509. *Several Contracts*, 515,516.

Coronation *Ceremonies conſider'd*, 94.

Coronation *Oath*, vid. Oath.

Corporation *Rights given up*, 87.

Corruption *of Morals the cauſe of all our diſorders*, 178. *prevails every where*, 370.

Corruptions *in the* Eaſt-India *Company*, 478, & ſeq.

An Alphabetical Table.

Craggs (*Mr.*) *refuſes to produce his Books of Accounts about Clothing the Army*, 477. *His Account of diſpoſing of* 4540 l. *of the* East-India *Company's*, 500. *Impriſon'd in the* Tower, 515.

Credit, *the Importance of it to the Publick*, 702 to 709. *The danger of violating the Publick Credit*, 707. *The Conſequence of it to* Philip II. *of* Spain, *when he broke his Credit with the Merchants at* Antwerp, 708.

Cromwel's *Method of being well-ſerv'd*, 390. *His Caſe about a Standing Army*, 568, 572.

Crown *how from God, and from the People*, 340.

Cuſtoms *when they grow into Laws*, 463.

D.

DAvenant (*Dr.*) *his Character of a deprav'd Country*, 734. *Of corrupt Orators in Publick Aſſemblies*, 735. *His Poſitions about the forfeited Eſtates in* Ireland *refuted*, 740, 741, 742.

David's *Caſe in relation to* Saul, 459. *had protection from the King of* Gath, ibid.

Defence *of the ſeveral Sermons preach'd on the Funeral of her late Majeſty*, 522 to 539

Delamere (*Lord*) *the only Perſon that came off in a Trial of High-Treaſon of late, and how*, 19.

Dialogue *between a Lord Lieutenant and one of his Deputies, about our preſent Fears and Dangers*, 218 to 234.

Dialogue *betwixt a Yeoman of* Kent *and a Knight of the Shire, upon the Prorogation of the Parliament to* May 1693. 330 to 342.

Dialogue *betwixt Whig & Tory*, 371 to 392.

Diſaſters, *a modeſt Enquiry into the Cauſes of the preſent ones*, 95 to 104.

Diſcourſe *about the raiſing of Men*, 539 to 551.

Diſpenſing *Power ſet up*, 85.

Diſſenters *their Behaviour*, 88. *Penal Laws executed againſt them with rigor*, 198. *Lovers of his Majeſty*, 634.

Diſſolving *the Convention Parliament a pernicious Counſel*, 227. *The* French *inſult thereupon*, ibid. *See* Parliament.

Diſtinction *of a King* de jure, *and King* de facto, *a fooliſh one*, 90.

Drunkenneſs *how to be redreſs'd, and the Laws againſt it*, 347.

E.

EDward III. *the Clauſe in his Statute explain'd*, 12. *His Saying upon the Execution of the Lord Chief Juſtice* Thorp, 385.

Elizabeth (*Q.*) *never repeal'd the Act made againſt her by* Hen. VIII. 239. *The Difficulties ſhe had to ſtruggle with at her coming to the Crown*, 383. *Affected a popular Government*, 632.

Embaſſador, *how far his Juriſdiction extends*, 463. *Has none in his own Family*, 467.

England, *the Monarchy of it ſettled on an Over-ballance of Lands, veſted in the Nobility and Church*, 631 & ſeq. *Sap'd by* Hen. VII. 632. *The Conſequence of it, changing the Ballance of Property*, ib. *See* Ballance. *Its Conſtitution anſwers all the Ends of Government*, 636.

Engliſhman's *Choice and true Intereſt*, 422 to 431.

Equivocation *in the Prayers of ſome for K.* William *and Q.* Mary, 98.

Errors *in an Indictment juſtify the Equity of having Counſel*, 15.

Eſcuage, *the nature of that Tenure*, 759.

Eſſay *concerning Obedience to the Supreme Powers, and the Duty of Subjects in all Revolutions*, 431, &c.

Eſſay *on a Regiſtry for Titles of Land*, 693 to 706.

Eſſay *concerning the Laws of Nations, and the Rights of Sovereigns, and about Piracy, by Dr.* Tindal, 46, &c.

Eſtates, *all of them the Gift of the King*, 750.

Evidence *that is illegal, is the ſame with no Evidence*, 24. *Leſs Evidence for Treaſon than for other Crimes ridiculous*, 24.

Evidence *of the Treaſon, and of Miſdemeanor, not diſtinguiſh'd by the Judges in* Colledge's *Trial*, 18.

Exciſe (*General*) *of dangerous Conſequence*, 313. *When firſt rais'd in* England, 314. *How manag'd*, 315. *Once rais'd, and not fully*, 316. *The Inconveniencys of it*, 317. *The great Charge in gathering it*, 318.

Execution *is to deter others*, 59.

Expedients *conſider'd*, 634. *Real Popularity the beſt Expedient*, 637.

F.

FEnwick (*Sir* John) *the Proceedings againſt him vindicated*, 551 to 564. *Debates in Parliament about the Bill of his Attainder publiſh'd*, 552. *The Reaſons urg'd againſt the Attainder*, 553, 557, &c. *The Evidence againſt him*, 558, 559. *Queſtions put to him by the Houſe of Lords*, 560. *The Bill for his Attainder paſt both Houſes*, ibid. *He is allow'd Miniſters, but refuſes them*, 561. *Reflections on the Paper deliver'd by him at his Execution*, ib. 562. *Treaſon prov'd againſt him*, 563.

Feudal *Conſtitution, the Nature thereof*, 749.

Feudal *Eſtates held by Service & Fealty*, 751.

Feuds *granted at firſt during pleaſure*, 752. *What* Feudum *is explain'd*, ibid.

Fitzharris (Edward) *Remarks on his Trial*, pag. 2 to 13. *An Iriſh Papiſt*, 2. *Offer'd Pardon if he would confeſs who ſet him on*, ibid.

ibid. *Examin'd in* Newgate, 3. *The* Oxford *Parliament concern themſelves in't*, ibid. *A new Lord Ch. Juſtice made on purpoſe to try him*, 4. *Indicted for High-Treaſon*, ibid. *His Plea about the Juriſdiction of the Court*, ibid. & 5. *The management of the Trial*, 7. *The Evidence againſt him*, 8. *The Jury's Scruples about the Vote of Parliament remov'd*, ib. *The Evidence fairly ſum'd up*, 9. *The only Contriver of the Libel*, ib. *It had no effect*, 10. *The Libel a Miſdemeanor at moſt*, ib. *None but the Contriver hurt by it*, ib. *Illegal Actions of worſe Conſequence charg'd on others without any Cenſure*, ibid. 11. *His Crime leſs miſchievous than that of many others that paſs unnotic'd*, 12. *Many grumble at his Execution*, 13. *His Paper was all read*, 47.

Firebraſs (*Sir* Baſil) *his Depoſitions about the Corruptions in the Eaſt-India Company*, 493. *Examin'd about Mr.* Bates, 497. *More of his Depoſitions*, 498, 499. *Act for impriſoning of him*, 509. *His Contracts with the Eaſt-India Company*, 512, 513, 514.

Fleet, *the Uſefulneſs of one prov'd*, 691.

Forces *in* England, *a Liſt of them upon the Eſtabliſhment of K.* Ch. II. Ann. 1680. 669. Forces *upon the Eſtabliſhment of K.* William, 670, 671. Forces *in* Ireland, 671, 672. *In* Scotland, An. 1680. 672. *In* Holland, 673.

Forfeitures, *the true ſtate of the Caſe of the Iriſh* Forfeitures, 736. *The Caſe made the Subject of Libels*, ibid. *Grant of* Forfeitures *a Right of the Crown*, 743. *The ſame prov'd by conſtant Uſage*, ibid. 744. *Objections anſwer'd*, 745. *Why the Iriſh* Forfeitures *only reſum'd*, 754. *How the Publick is intitul'd to them*, ibid. 755. *Some Grants made of the Iriſh* Forfeitures *before the Addreſs of the Houſe of Commons*, 762. *The Purchaſers of them acted according to Law*, ibid. *The Sale of the Iriſh* Forfeitures *would not have yielded* Ann. 1690. 200000 l. 763. *A probable Eſtimate of them*, ibid. *The Truſtees Produce of them uncertain*, ibid. *Means uſed to know the Value of them*, 764. *The Expence of the Commiſſion of the Truſtees*, 764, 765. *In ſome Counties overvalu'd*, ibid. *Several Deductions to be made*, 766. Vid. Iriſh Forfeitures.

France *ſets out a great Fleet in compliance with the Jacobites Memorial*, 102. *How* France *is to be invaded*, 214. *Not weakned in the Weſt-Indies*, 215. *Deſigns to invade* England, 219. *and the Jacobites acquainted with it*, ibid.

France *the Author of all the preſent War in* Europe, 260. *The Power of* France *our Puniſhment for advancing it*, 430.

Frauds *of Lawyers and Prieſts in evading good Statutes*, 695.

Freehold *neceſſary to a Jury-man*, 34. *What makes a* Freehold; *and if Trade does it*, ibid. *No* Freehold *a juſt cauſe of Challenge, and why*, ib. *Various Opinions about the Challenge of a* Freeholder, 35. *Cuſtom of the City about* Freeholders, ib. *Practice of the City of* London *about a Jury-man no* Freeholder, 38.

French *Counſels prevail'd here the laſt* 20 *Years*, 174, 305.

French *Invaſion deſign'd in* England, 202. *The Pretences of it examin'd*, 265 to 271.

French *noted for Treachery and Cruelty*, 203.

French *King's Deſigns are all for himſelf*, 112. *His practices to obſtruct Supplies every where*, 171. *Concern'd in the Deſign of aſſaſſinating the King, and privy to it*, 289, 290. *His Character*, 290. *His Power great by Sea and Land*, 321. *His Generoſity conſider'd*, 359. *Knew the Prince of* Orange's *Deſign before the Revolution*, 385, 386. *Treaties violated by him*, 412, 413. *His Cruelties in* Germany, 414, 415. *His Promiſes not to be rely'd on*, 416, 417. *His Offers to ſeveral Princes engag'd in the War*, 418, 419, 420, 421. *His Advocates anſwer'd*, 524, 527, & ſeq. French *King more cruel and perfidious than the King of* Babylon *or* Aſſyria, 528.

G.

GAlloway (*Earl of*) *his great Merits in* Ireland *ſlighted*, 761.

Good (*Publick*) *the Supreme Law*, 437. *No Right againſt it*, 438.

Gothick *Acquiſitions belong'd to the Prince*, 749.

Government, *the Right of aſſuming it, and the Manner, are different things*, 111. *It is from Conſent*, 189. Government *in general of Divine Right*, 190. *The Nature of it*, 195. *The preſent* Government *vindicated*, 237.

Government *is of natural Inſtitution*, 365. *Leaving it abſolves Subjects from their Allegiance*, 406. Government *and Power differ*, 437. *God the Author of* Government, 432. *The* Government *of* England *a mixt* Government, 434. *Who are accounted the Enemies of the preſent* Government, 437. Government *is for the Good of the People*, 438, 635.

Grandval (*Monſieur*) *and others concern'd in the Aſſaſſination of K.* William, 279. *He is ſeiz'd and examin'd*, 280. *The Sentence againſt him*, 281. *Is executed*, 283. *His Confeſſion*, 287, 288, 289. *Is not put to the Torture*, 298. *The King's Generoſity to him*, ibid. *vid.* Conſpiracy.

Guards *and* Garisons; *a Letter to a Member of Parliament about them*, 678, 679. *The Neceſſity of them about the King*, 679.

H.

HAbeas Corpus *Act how paſt*, 85. *The Whigs had a great hand in carrying it*, 91.
Halloway's *Caſe and Execution*, 48.
Men hang'd *in the Weſt for having old Jewiſh Names, as* Obadiah, *&c.* 15.
Haſtings *(Col.) proceeded againſt in Parliament about detaining the Pay of his Soldiers*, 437.
Henry II. *his Expedition into* Ireland. *See* Ireland.
Henry VI. *attainted of High-Treaſon againſt the Duke of* York, 238.
Henry VIII. *had frequent Attainders in his Reign*, 553.
Henry IV. *of* France *a great allower of freedom of Speech*, 734.
Hereditary *Right of Succeſſion conſider'd*, 190, 191. *None in* England, 191. *nor in other Nations*, ibid. Hereditary *Princes are ſo by Law and not by Nature*, 393.
High-fliers *characteriz'd*, 175.
Homilies *(Book of) againſt Diſobedience*, 111.

I.

JAcobites *preach notwithſtanding the Act of Parliament, and frame a new Liturgy*, 98, 99. *Their Prayers for K.* James, 99. *Their Holy Club to raiſe Mony*, ibid. *They expect K.* J. *at* London, *and their inſolent behaviour at that time*, 103. *Make an Inſcription on a Monument for the French King*, ibid. *Their Conſcience erroneous*, 163. *Act not according to their Principles*, ibid. *Their Principles full of Abſurdities*, 164. *Their Deſigns expos'd*, 169, 170. *Their Endeavors to obſtruct Supplies*, 170. *They talk confidently of K.* James's *Return, and are promoters of the* London *Petition*, 175. *Their Behaviour*, 183. *Deſerve not the Name of Proteſtants*, 202, 203, 204. *Their Intereſt diſplay'd*, 208, 210. *Their Clamour groundleſs*, 239. *Have no Principles to fix on*, 240. *Their Merit examin'd*, 245, 246. *Unſerviceable to K.* James, 246. *Are not oblig'd to fight for K.* James *and Popery*, 250. *Their Principles abſurd*, 251. *They look for another Revolution here*, 297. *Encourag'd*, 386. *Their Plea examin'd*, 407. *Refuſe to fight for K.* James, 409. *Their Objections anſwer'd*, 410. *More unaccountable than Papiſts*, 426. *Their Diſguiſes*, 428. *Their Character*, 427, 428, 429. *Their ridiculous Pretences, and have no Right to the Protection of the Government*, 449. *Have the Protection of the Government tho they diſown it*, 452. *The Abſurdities of their Principles*, 451, 452. *Are in places of Truſt*, 454. *Their Malice reſtleſs*, 462. *Vindicate the French King*, 524. *Their violent Malice*, 531. *The ſubſtance of their Letter to the preſent Archbiſhop*, 538. *Their endeavours to reconcile Men to their Party*, 737. *Mr.* Charnock's *Letter ſpeaks the Mind of the* Jacobite *Party*, ibid. *Their ruinous Deſigns expos'd*, 738.
James I. *(K.) his Advice to aſſiſt the Proteſtants in* Germany, 199. *His Practices and Character*, 647. *The Glory of* England *leſſen'd by him*, 656.
K. James II. *his Declaration, and the Anſwer to it*, 61 to 71. *Ruin'd by Jeſuitical Counſels*, 61. *His wrong Meaſures*, 62. *His Arbitrary Actions*, 63. *Parallel betwixt K.* James *and the French King*, ibid. *Cares not for the Proteſtants in* England *or* Ireland, 64. *Breaks the Act of Settlement in* Ireland, 65. *Perſons employ'd by him in* Ireland, ibid. *His Protection violated in* Antrim, 66. *Would impoſe upon our Senſes*, ibid. *His Opinion about Liberty of Conſcience examin'd*, 67. *His Proceedings in his Iriſh Parliament*, ibid. *No reaſon to rely on his Promiſes*, 69. *Pretends to a Power without reſerve*, ibid. *Aſſumes an Arbitrary Power*, 70. *His Return ought to be wiſh'd by no Proteſtant*, ibid. *His Actings after the Duke of* Monmouth's *Defeat*, 86. *Declares he will make uſe of Papiſts*, 87. *Offers Equivalents for the Penal Laws*, 88, 89. *Propoſes Expedients*, ibid. *The Flatteries us'd to him*, 96. *His Intereſt, and that of the French King link'd together*, 100. *His Intention to wrong the Succeſſion*, 107. *His Uſage vindicated*, 112. *No ground to believe better of him now than before*, 201. *His illegal Actions on the Throne*, 202. *Intends landing in* England *now*, 204. *Many of all ſorts ready to declare for him*, 214. *His Letter to his Privy Counſellors, with Reflections on't*, 234 to 343. *His Succeſs will bring Popery and Slavery*, 243. *His Behaviour in* Ireland, 244. *His Deſign was to reign Arbitrarily, and bring in Popery*, 248.
K. James *his Declaration, with Reflections on't*, Ann. 1692. 253 to 265. *Promiſes no ſatisfaction*, 254. *His ill Government ſet out*, 255, 256. *His Actings examin'd*, 257. *His Promiſes conſider'd*, 262, 263. *Is the Author of his own Ruin*, 266. *His Pretenſions examin'd*, 267. *No Friend to the Trade and Proſperity of the Nation*, 268, 269. *His little Affection to the Church*

An Alphabetical Table.

Church of England, 270. *Reflections on his Declaration*, 270 to 279. *The French King's Promiſes to him, and his Pretences examin'd*, 272, 273, & ſeq. *'Tis not the Intereſt of* England *to have him reſtor'd*, 276. *His Conduct towards the Proteſtants in* Ireland, 278. *Acquainted with* Grandvall's *Deſign*, 282. *The Treachery of the French Court to him*, 294, 295. *Has it not in his Power to perform any good Promiſe*, 303. *The diſmal Conſequences of his Return and Reſtoration*, 304. *His Declaration from* St. Germains, Ann. 1693. *with an Anſwer to't*, 349 to 361. *No truſting to his Promiſes, proved by ſeveral Inſtances of the Violation of them*, 350, 351, 352, 353. *Promiſes Indemnity*, 356, & ſeq. *No wrong done him but what he did himſelf*, 392. *Has no Right to the Crown now*, 394. *His Embaſſy to* Rome *ſlighted*, 355. *The Nation the only Judg of the Diſpute about his Right*, 394. *Has no Right in Law*, 395. *The viſible Reaſon of his going away*, 408. *Is no rightful King now*, 410. *The Caſe of K.* James *his giving Commiſſions conſider'd*, 469, 470. *A Commiſſion from him to any of his Majeſty's Subjects, is Treaſon*, 471. *What Rights and Privileges he had when in* Ireland, 472. *They are guilty of Piracy who act by his Commiſſion*, 530. *He truſts only to a Standing Army*, 633. *His Actions at his coming to the Crown*, 663. *His great Error in diſobliging the Clergy and Army*, 664.

Idleneſs *diſcourag'd by* Mahomet, 133. *The occaſion of former Miſeries to the* Iriſh, ibid. *Many Advantages loſt in* Spain *thereby*, 134. *When moſt diſcourag'd*, 135. *The Pleas for* Idleneſs *conſider'd*, 138. *The bad Effects of it as to Religion*, 142, 143. *It makes Men vicious and factious*, 143. Idle *Men are Sharpers, and live by cheating*, 144. *The great Miſchiefs of* Idleneſs, 149. *Not ſufficiently diſcourag'd*, 151.

Jeremiah *the Prophet, his way of purchaſing*, 697.

Impeachment *and* Indictment, *in what they differ*, 4. *General* Impeachment *is Cuſtom of Parliament*, 5.

Incumbrances *on Lands of ſeveral ſorts*, 693.

Indemnity, *the Act of it how obtain'd*, 222, 228.

Induſtry *preſerves the World from Ruin*, 131. *Inſtances of Princes practiſing* Induſtry, 132. *Miſchiefs attending the want of it*, ibid. *How beneficial it is to* Ireland, 134. *Remarkable in* Germany, 135, 136. *In* Flanders, 137. Induſtry *and Trade to be encourag'd*, 146. *How encourag'd among the* Romans, 152. *Its Commendation*, 153.

Inſtruments *of the Arbitrary Proceedings in the late Reign pointed at*, 181, 182.

Invaſion *from* France *pretended and ridicul'd*, 687. *The Improbability thereof*, 688. *No Account given of it*, 689, 690.

Jones (*Sir* William) *Mony offer'd for ſearching his Study after his death*, 16.

One Jones *imploy'd to aſſaſſinate King* William, 293.

Ireland, 2400 *Perſons attainted there by K.* James, 552. *Foreign Forces diſbanded there, after the Peace and Reduction of it*, 666. *More Forces ſent thither afterward*, 668. *Lands there given to ſeveral ſince* Hen. II. *his time*, 757. *How* Hen. II. *made his Acquiſitions there*, 758. *Got* Ireland *by his own Forces paid by himſelf*, ibid. Hen. II. *carried into* Ireland 500 *Knights only*, 759. *The Troubles lately there more chargeable to the Proteſtants than to* England, 759. *The Deſign of reducing* Ireland, ibid. *The great* Smyrna *Fleet preſerv'd there*, 760. *Tenants and Improvers very numerous in* Ireland, 761. *The Dependance of* Ireland *on* England *aſſerted*, 774.

Iriſh *Commiſſioners attend the Houſe of Commons, and are examin'd*, 726. *Sir* Richard Leving's *Narrative of their Debates among themſelves about K.* James's *private Eſtate*, 726, 727. *Sir* Francis Brewſter's *Account of thoſe Matters*, 728. *Mr.* Anneſly's *Account of the ſame*, 729. *Mr.* Trenchard's *Account of the ſame*, 730, 732. *Mr.* Langford's *Account*, 731. *Mr.* Hooper's, ibid. *Four of the Commiſſioners approv'd by the Houſe of Commons*, 733.

Iriſh *Forfeitures, the Report of the Commiſſioners appointed by Parliament to enquire into them*, 709 to 723. *Difficulties they met with in the execution of their Commiſſion*, 709. *The Valuation of the* Iriſh *Forfeitures*, 710. *Valuation of the Lands reſtor'd*, 712. *Number and Value of Acres reſtor'd*, ibid. *Gratifications given to ſeveral Perſons out of them*, 713. *Lord* Bophin's *Caſe*, ibid. *Grants and* Cuſtodiams *paſt in* Ireland *to ſeveral Perſons*, 714. *Incumbrances on the forfeited Eſtates great*, 715. *Advantages made by thoſe Forfeitures*, 716. *A Computation of the Forfeitures*, ibid. *Many conceal'd*, 717. Athlone's *Grants confirm'd by Parliament in* Ireland, 718. *Abuſes in canting the Forfeitures*, 719. *Abſtract of the Valuation of the forfeited Eſtates in* Ireland, ibid. *Value of the Lady* Orkney's *Eſtate*, 720.

Iriſh *Report, Other Papers relating to it*, 723 to 733. *The Memorial of three of the Commiſſioners who refus'd to ſign eight Paragraphs of the ſaid Report*, 723, 724. *Their Letter to the Lord Chancellor of* England *about their diſſenting from the other four Commiſſioners*, 724, 725.

Iſles *of* Jerſey *and* Guernſey, *the Advantages to be made of them neglected*, 692. *The Officers there in Intelligence with* France, ibid.

Judges *ought to give their Reaſons in Publick*, 6. *Their Duty*, 29. *When a* Judg *ceaſes to be a* Judg, 54.

Jury; *when a* Jury *may be diſcharg'd without a Verdict*, 54. Ignoramus-Jury, 30.

Jus ad Rem & Jus in Re, *how diſtinguiſht*, 397. Jus Civile & Jus Gentium *conſider'd*, 464.

Jus Regium, *or the King's Right to the forfeited Eſtates in* Ireland *vindicated*, 733 *to* 773.

K.

KING *the Protector of the People*, 17. *How the High-ways are his*, ibid. *To be for the* King *and for Truth the ſame thing*, ibid. *The* King's *Counſel ought not to ſuppreſs Truth*, ibid. *Query, If the* King's *Safety requires ſpeedy Execution on Criminals*, 59. *Inveſtiture with Regal Authority, makes a true and rightful* King, 399. *Eight* Kings *in* England *without Hereditary Right*, ibid.

King de facto, *and* King de jure, *invented by the Clergy*, 229. *Not known till* Edw. IV's *Reign*, 396.

King *made for Government*, 405. *The Law allows of no fighting for a pretended* King, *but only for their Majeſties*, 411. Kings *in poſſeſſion*, 455. *The* King's *legal Inveſtiture is a determination of his Right*, 396. *Legal* Kings *challenge Obedience*, ibid. *No* King *depos'd for want of a Title*, ibid.

King *without a Kingdom, can give no Commiſſion to Privateers*, 475.

King *has Supreme Dominion*, 751. *The Foundation of the* King's *Right and Property wherein it conſiſts*, 750. *He cannot part with the direct Dominion of the Land*, 752.

L.

LAnds, *all held mediately or immediately of the King*, 743. *The Original Settlement of* Lands *in* England, 748. *All Grants of* Lands *from the King*, ibid. *All held of the King*, 751.

Law, *the Civil* Law *in caſe of a ſuſpected Birth*, 107. *The old* Law *of* England *in the like Caſe*, 108. *The Obligation of human* Laws *conſider'd*, 442, &c. *The Nature and Power of the* Law *of Reputation*, 623. *No* Laws *made againſt. Revolutions*, 403. *No* Law *againſt Force*, ibid. *The* Laws *of God conſider'd*, 439 to 441. Laws *of Nations conſider'd*, 441, 442, 462, &c. *Poſitive* Laws *of Nations conſider'd*, 464.

Lawyers *miſlead the King*, 12.

Learning *how far to be encourag'd, and the Objections anſwer'd*, 139, 140.

Leeds *(the Duke of) impeach'd by the Houſe of Commons*, 501. *Debates upon it*, ibid. *Comes to the Houſe of Commons and ſpeaks there*, 502. *Articles againſt him*, 504, &c. *His Speech in the Houſe of Lords*, 505. *His Anſwer to the Articles*, 506.

Legal *Rights: an Enquiry into the Nature and Obligation of* Legal *Rights, with relation to the Plea of the late K.* James *his remaining Right to the Crown*, 392 to 412. *The ſame enquir'd into*, 494. *Rights and Titles diſtinguiſh'd*, 397. Legal *Rights and Natural, wherein they differ*, 400. Legal *Rights depend on Laws*, 443.

Letter *from a Divine to a Member of Parliament, in defence of the Bill for the Union of Proteſtants*, 71 to 79. *With the Anſwer to it*, ibid.

Letter *to a Friend concerning the French Invaſion to reſtore K.* James, 243 to 253. *A Second* Letter *about the ſame*, 253 to 265.

Letter *to a Member of Parliament againſt the Reſtraint of the Preſs*, 614 to 627.

Letter *to K.* William III. *about the Engliſh Government*, 631 to 637.

Letter *from a Soldier to the Commons of* England, *about appropriating the Iriſh Forfeitures for the paiment of the Army*, 773 to 787.

Liberty *of* England, *wherein it does conſiſt*, 545, 594. *Who Friends to it*, 595. Liberty *of the Preſs. Vid.* Preſs.

Licinius *the Emperor oppos'd becauſe a Perſecutor of the Chriſtians*, 168.

Lieutenancy *of* London *chang'd*, 101. *Complyers with K.* James *put in their places*, 223.

Liſt *of the Iriſh Papiſts in the French King's Service, with Remarks thereupon*, 583, &c.

Liturgy, *a new one contriv'd by the Jacobites*, 98. *Some Paſſages out of it, and the Prayer for K.* James, 99. *Ten thouſand Copies of it printed*, ibid.

Lives; *Q. If Men have power over their own* Lives, 433.

Loyaliſts, *who ſo call'd*, 84. *Strains of Loyalty in faſhion*, 86.

Luca, *the Riches of that little Republick*, 123.

M.

MAccabees *their Practice avouch'd*, 459.
Mackarty *General of the* Iriſh *defeated by the* Inniskilling *Men*, 665.
Madmen *cannot be guilty of Treaſon, and why*, 24. *Incapable of being try'd*, 59. *The Reaſon of it*, ibid. *The Parallel in Civil Matters*, ibid. *The Law about Madmens being guilty of Treaſon*, 59. *The ſame cenſur'd and repealed*, 60.
Marines, *A Letter to a Member of Parliament about the four Regiments ſo call'd*, 680 *to* 684. *Are uſeleſs on Shore, and dangerous to Liberty*, 681. *Objections anſwer'd*, 682. *Uſeleſs in* Holland, 683. *Ill Management of* Marine *Affairs a Grievance*, 691.
Maud *the Empreſs her Caſe*, 239.
Mechanick *Induſtry diſcourſed upon*, 130 *to* 145. *Religion in all Ages propagated by Mechanick Induſtry*, 149 *to* 159. *See* Induſtry.
Memorial *of the* Jacobite *plotting Clergy to the* French *King*, 100, 101. *Reflections on the ſame*, ib. *What the* French *King did upon the Receit of the Memorial*, 102.
Men, *A Diſcourſe about the way of raiſing them*, 539 *to* 551. *Abuſes in the ordinary way of raiſing* Men, 540. *Remedies propos'd*, 541. *The Propoſals vindicated from all Objections*, 542, &c. *The Practice of raiſing Men in* Scotland, 550.
Militia *not ſettl'd*, 327. *Ways to make the Militia ſerviceable*, 573, 574. *The ſame conſider'd*, 586, 591. *Militia reform'd*, 594 *to* 615. *To conſiſt of Freemen*, 597, 598. *Method propos'd of training them up*, 599, &c. *Whom the Militia to be commanded by*, 604. *Objection remov'd*, 605. *Who are to be excus'd from ſerving in it*, ibid. *To be made the way to Preferment*, 606. *The Country to be reform'd thereby*, 607. *The Practice of the old Roman Militia*, 608. *Gives great Security againſt Robbers and Houſe-breakers*, 610. *Militia did moſt Service at the Battel of* Worceſter, 659. *No hopes of making the Militia uſeful now*, 675. *Diſciplining the Militia much neglected now*, 687.
Millions: *Anatomy of a Project for raiſing two Millions*, 627 *to* 631.
Misfortunes *occaſion'd by an ill Underſtanding among Proteſtants*, 181. *Misfortunes by the diſaffected Clergy*, 183.
Moderate *Men true to the Intereſt of the Nation*, 81.
Monaſtery *and Abby Lands how diſpos'd of in* Henry VIII. *time, and the Caſe thereof ſtated*, 747. *All of them left to the King's Diſpoſal*, ibid. *The King's Right to them antecedent to the Act of Parliament*, 748.
Mony-Bills *how and by whom obſtructed*, 182. *Conſiderations about the propereſt way of raiſing Mony*, 309 *to* 320. *The Neceſſity of raiſing Mony*, 312.
Mortmain *practis'd among the Jews*, 694. *The Practice of it in* England, 695.
Duke of Monmouth's *Invaſion how ſoon quaſht*, 663.
Murmurers *cenſur'd*, 116.

N.

NAtions *how oblig'd by Leagues and Treaties*, 465.
Neceſſity: *The Caſe thereof conſider'd*, 440, 444.
New-England, *the Adventure of a Voyage thither*, 685, 686.
Non-Swearers, *Queſtions put to them*, 251, 252. *The Non-Swearing Biſhops refuſe to ſign an Abhorrence of the Prince of* Orange's *Invaſion*, 409, 423. *See* Jacobites.
North *and* Rich *impos'd as Sheriffs on the City by a Trick*, 32.
Nun *of* Kent *her Caſe conſider'd*, 553.

O.

OAth, *the Religion of it*, 43. *The Subſtance of the Coronation Oath*, 92. Edw. III. *his Coronation Oath, and King* J. *the* 2d's, 93.
Oath *of the Commiſſioners for Hackney Coaches*, 478.
Oath *of Fidelity conſider'd*, 454. *Oaths alter not the Nature of Allegiance*, ibid.
Obedience, *the Meaſures of it determin'd by Law*, 106. *And not by the Church*, 110. *Legal Obedience due to Legal Authority*, 400. *Paſſive Obedience conſider'd*, 434 *to* 437. *Obedience and Protection do mutually bind*, 450. *Abſolute Obedience inconſiſtent with the Goodneſs of God*, 474.
Obligation *of Legal Rights inquir'd into*, 493 *to* 412.
Offices; *Reaſons for a Bill againſt buying or ſelling of any*, 186 *to* 189. *The Value of Offices all over* England, 187. *The Practice in* Henry VIII. *time*, ibid.
Oppreſſions, *many in the late Reign*, 309.
Ordeal, *why aboliſh'd*, 19.
Orphans *Bill*; *Briberies about the getting of it*, 483, &c. *Gratuities given for obtaining the ſaid Bill*, 519. *Delays us'd in paſſing it*, 520, 521.
Outlawry; *Caſes in which it may be reverſed*, 49.

Papers seizure of, considered 15.

P.

PApers *found in ones Poſſeſſion, a ſmall Evidence againſt ones Life*, 25.

Papiſts *all Enemies to Proteſtants*, 66. *Papiſts are eaſy in* England, 270. *See* Popery.

Parker *lays claim to the Earl of* Tyrconnel's *Eſtate in* Ireland, *the Caſe remarkable*, 786.

Parliament; *The Convention Parliament vindicated*, 258, 274, 408. *How Maſters of their own Reſolves*, 316. *Annual Parliaments formerly the Cuſtom of* England, 330. *The Inconveniences of not having frequent Parliaments*, 331. *Frequent Parliaments part of our Conſtitution*, 333. *They leſſen not the Prerogative*, 334, 335. *Calling of Parliaments an Act of Juſtice not of Grace*, 336. *Attempts in King* Charles I. *upon Parliaments*, 338. *The long Intervals of Parliaments then complain'd of*, 339. *Friends to Arbitrary Power Enemies to Parliaments*, 340. *How the long Parliament in King* Charles II. *time was choſen, and what it acted*, ibid.

Act of Parliament *of the* 11 *of* Hen. VIII. *conſider'd*, 455, 456.

Parliament, *Advantages of a good one*, 646. *What is expected from the Parliament*, 649. *A corrupt Parliament the Cauſe of Slavery in* England, 651. *Debates and Proceedings in Parliament about Briberies*, 475 to 522. *The Danger of Mercenary Parliaments*, 638 to 645. *The Nature of a true Parliament*, 638. *Conſiderations on the ſame, and of the preſent Elections*, 645 to 651. *Great things done by a Parliament in five Years*, 659. *Diſſolv'd by* Cromwel, ibid. *Bribing of Parliament Men when practis'd*, 661. *The Parliament's Affection to the King inſtanc'd in ſeveral things*, 678. *Proceedings in Parliament about the* Iriſh *Forfeitures*, 739. *See* Iriſh Forfeitures.

Parties *of all ſorts conſider'd*, 634, 635. *The State of Parties, and of the Publick, offer'd to* Engliſh *Men*, 208 to 218. *Two ſorts of Parties, and their Intereſts*, 208, 209.

Paſſive-*Obedience Doctrine unaccountable*, 61. *Fit only for Lovers of Slavery*, 62. *Abandon'd now*, 89. *Paſſive-Obedience Men were forward to join with the Prince of* Orange, 96. *Their Deſign at firſt*, 97. *How to reconcile their calling him over with their acting ſince*, ibid. *Paſſive Obedience no Doctrine of the Church of* England, 240.

Paternal *Right exploded*, 393.

St. Paul *a Tent-maker, and his Practice*, 150. *Condemns Idleneſs*, ib. *Requires Obedience to the Powers that be*, 457.

Penal *Laws in matters of Religion inconſiſtent with Chriſtian Charity*, 199.

Perjury *and Rebellion charg'd on the Nation by the* Jacobites, 113. *The Nation vindicated therefrom*, ibid.

Perſons *that have no Right to the Power, have no Right to the Privileges of that Power*, 468.

Petition *of the Common Council of* London, 787, 788. *Reflections on the ſaid Petition*, 160 to 177. *The Petition promoted by the Jacobites and Church-men*, 171. *The Heads of it*, 172, 173. *Moſt of the Promoters of the Petition, Surrenderers of Charters*, 173. *Sixty of the Petitioners Betrayers of the City's Liberties*, 174. *Zeal for the Church a great Pretence of the Petitioners*, ibid. 175. *Perſons complain'd of in the Petition*, 176.

Plain Engliſh, *or an Inquiry concerning the real and pretended Friends to the* Engliſh *Monarchy*, 79 to 92.

Plain Engliſh, *being an Inquiry into the Cauſes that have fruſtrated the Expectations of the late happy Revolution*, 177 to 186. *And Conſiderations relating to the preſent Conſpiracy*, ibid.

A Plea *when good or bad as to the Form*, 5, 6.

Plots *how lately manag'd in* England, 95. *Plot againſt the preſent Government*, 97, 177. *Upon K.* William's *going into* Ireland, 99. *Not believ'd becauſe not proſecuted*, 201.

Plunket *and* Fitz-harris *try'd the Term after their Arraignment*, 36.

Popery *incourag'd by the Matches with* Spain *and* France, 82. *Popery at the bottom of many things in King* Charles II. *Reign*, 83, 84. *Popery and Slavery when to be reſiſted*, 260.

Popiſh *Kings cannot be juſt or kind to Proteſtant Subjects*, 247. *The Miſery of coming again under them*, 249.

Popham *(Lord Chief Juſtice) cenſur'd for his Opinion in Sir* Walter Raleigh's *Trial*, 6.

Poſſeſſion, *A Legal one a good Right in Law*, 395. *Poſſeſſion is a Right in Law againſt Force*, 397. *It is the only Settlement of the Government*, ibid. *Parting with the Poſſeſſion is parting with the Right, and how*, 406. *The Title of Poſſeſſion clear'd*, 448.

Power *above Law, or Abſolute Power, is not from God*, 196. *Power of* France *and* England *conſider'd*, 250. *Power of the* Engliſh *Repreſentatives*, 320. *Power in the Crown only a Truſt*, 343. *Paternal Power conſidered*, 432. *No Magiſtrate ever truſted with Arbitrary Power*, 433.

Sove-

Sovereign Power made up of six Integral Parts, 636. *Legislative and Executive Power to be in different Hands*, 655. *How great Parliamentary Power is*, 754.

Practice *of the late Times, and that of the Inquisition compar'd*, 19.

Prayers *for Usurpers how far lawful and allowable*, 159. *St.* Paul's *meaning about it*, 160. *Objections answer'd*, 161, 164, 165.

Priest *or Jesuit being in* England *is Treason*, 206.

Press *not to be restrain'd*, 614 to 627. *Advantages of Printing*, ibid. *Restraining of the Press hinders the discovery of Truth*, 615. *The bad Effects of restraining it*, 616. *Advantages attending the Liberty of the Press*, 617, 618. *The bad Consequences of denying that Liberty*, 619, 620. *Printing for one side only not fair*, 621. *A means of being deliver'd from Ecclesiastical Tyranny*, 622. *Restraining the Press destructive to Religion*, 623. *And Liberty*, ibid. *Slavery promoted by it*, 624. *The Satisfaction arising from the Liberty of the Press*, 625.

Princes, *whether they have a natural or legal Right to their Crowns*, 39.

Prince Conelly *so call'd in* Ireland, *the History of him*, 785, 786.

Principles *of Church and State consider'd*, 345.

Primitive *Christians comply'd with all Revolutions in the Empire*, 404, &c.

Printing *of Trials a late Practice for the Benefit of the Publisher*, 35.

Privateers *how they differ from Robbers*, 467.

Profitable, *nothing so but what is honest*, 7.

Prohibition *of* Indian *Silks and Callico's consider'd*, 69.

Project *for raising two Millions anatomiz'd*, 627 to 631.

Property *the Foundation of Power*, 632.

Prosecutions *bought off*, 689.

Protection *consider'd*, 449 to 454. *Power to protect challenges Obedience*, 455. *Protection is the Foundation of Obedience*, 473.

Protestants, *the true blew ones, how and by whom so call'd*, 95. *Protestants in* Germany *assisted by* France, 118. *Protestants against the present Government unaccountable*, 426. *The deplorable Condition of the* French *Protestants in* Ireland *at* Port-Arlington, 761. *Character of the Protestants in* Ireland, 787.

Purchasing, *the great Charge one is at in it*, 700. Abraham *and* Jeremiah's *way of purchasing*, 701.

Pirates *and Piracy. Pirates and Robbers become just Enemies when form'd into a Society*, 469. *Commission for Piracy inconsistent with the Good of the Society*, 470. *The Definition of* Piracy, 471. *How a Pirate is said to be* Hostis humani generis, ibid.

Q.

Quo Warranto's *brought against the City*, 31. Hen. VIII. *us'd none to dissolve the Religious Houses*, ibid. Maudlin *College as liable to* Quo Warranto's *as the City of* London, ibid. *Judgment given against the City by two Judges only*, 32.

Queen, *the late Queen vindicated*, 534, 536.

R.

Reason, *the Use of it in Religion*, 619.

Rebellion *not incourag'd by the Revolution Principles*, 444. *Rebellion a less Crime than promoting Absolute Power*, 474.

Reflections *on the late King* James *his Declaration*, 271 to 279. —— *On the Conditions of Peace propos'd by the* French *King*, 412 to 420.

Reformation *promoted in Places of Trade*, 155. *Reformation desir'd now or never*, 647.

Regulators *set up every where*, 88.

Regency *had* 150 *Votes in the House of Commons for it, and in the House of Lords it was carry'd against a Regency by a Majority of three only*, 221.

Registry *for Titles of Lands propos'd in an Essay*, 693 to 706. *Several sorts of Incumbrances on Land to make it necessary*, 693. *It is no new Charge*, 699. *Not a Grievance*, ibid. *Registry to be settl'd in* London, *and why*, 700. *A Bill for establishing a Registry for Titles of Lands*, 701, 702, 703. *Objections against it stated and answer'd*, 704, 705. *Advantages arising therefrom*, 704. *Trust in Registers consider'd*, 705. *Difficulties remov'd*, ibid.

Relations, *Natural and Political different*, 398.

Religion *promoted by Business and Industry*, 147. *The same illustrated by several Instances*, ibid. *Objections answer'd*, 148. *The Practice of the Church of* Rome *opposite to it*, ibid. *Religion and Business are not to interfere*, 152. *Improves Nature and Morality*, 153, 154. vid. Industry.

Remarks *on several Trials in the late Reigns from* p. 1 to 61.

Revenues *of the Crown are originally in the King, and not a free Gift of the People, prov'd*, 747.

Resump-

Reſumption of the Iriſh *Grants, great Hardſhips occaſion'd by that Act*, 752. *Prejudicial to the King's Prerogative*, 753. *A Hardſhip on his Majeſty and to the Grantees*, ibid. 760. Reſumptions *in former Reigns conſider'd, and the Arguments drawn from thence anſwer'd*, 770. *The Proteſtant Intereſt in* Ireland *weakned by it*, 771. *And the King's Honour leſſen'd*, ibid. *Inconveniences attending the Act of* Reſumption, 772.

Reſumptions *vindicated*, 776, &c. *Inſtances of Abuſes in trying of Criminals*, 777. *Not favourable to Papiſts*, 778. *The Parliament in paſſing that Act juſtify'd*, 779. *The Proteſtant Purchaſers not diſcourag'd by it*, 781. *The Value of the Forfeitures not miſrepreſented*, 782.

Revolution, *the Cauſe of the late one*, 1, 107. *Provocation given the Nation by illegal Actions, one of the Cauſes*, 11. *The ſad Conſequences apprehended from another* Revolution, 247. *The good Effects of the late* Revolution, 258, 271. *The Steps of it, and of the Settlement*, 311. *Enemies to it in preſent Employments*, 369. *The* Revolution *and Settlement were with the Conſent of the Nation*, 436. *Liberty acquir'd by it*, 525.

Revolution, *how it has not anſwer'd the Expectation of the Nation*, 640. Revolution *and* Reſtoration *the Work of the People of* England, 645.

K. Richard II. *the Act for depoſing him*, 234, 235.

Rights; *how Perſonal* Rights *are determin'd*, 398. *Diſputes about Legal* Rights *how to be determin'd*, ib. 400. Right *pretended to by all where there is no Judg*, 469. *The King the Foundation of* Right *and Property*, 750. *See* Legal Right.

Robart *(Monſieur) order'd to attend the Houſe of Commons about Bribery, but makes his eſcape*, 507. *The manner of his Eſcape related*, 508, 517. *Obtains a Paſs to go into* Holland, ibid.

Romans *(Antient) their Character*, 178.

Rumney *(Earl of) vindicated about his Grant of ſome of the* Iriſh *Forfeitures*, 767, 768.

Ruſſel *(Lord) Remarks on his Trial*, 33 to 45. *Arraign'd for High-Treaſon, and try'd the ſame Morning*, 33. *Debates about it*, ibid. *And about the Challenge of one that was not a Freeholder*, ibid. *His Challenge over-rul'd*, ibid. *The Reaſons for it*, 34. *The ſame examin'd, and his Challenge ought to be allow'd, and why*, 36. *Why his Trial not put off till next day*, 37. *The Influence that the News of the Earl of* Eſſex *having kill'd himſelf, had on his Trial*, 37. *Lord* Ruſſel *had in ſome things leſs Favour than* Colledge, *and in others more*, ibid. *Rules of the Attorny General at his Trial arbitrary*, ibid. *Deny'd a Copy of Matter of Fact laid againſt him*, 38. *The Evidence againſt him*, 28, 29. *Not one of the Six met at Mr.* Hamden's *Houſe*, 40. *Evidence for him*, ib. 41. *The Evidence againſt him conſider'd*, 41, 42. *Contradictions in them*, 42, 43. *Has very unfair Uſage from the King's Counſel*, 44. *His Speech much ſought after*, 45.

S.

SAncroft *(Archbiſhop) his being turn'd out juſtify'd*, 529.

Saxon *Kings, their Power*, 750.

Schiſms *the Cauſes of them*, 620.

Schomberg *(General) his generous Action*, 662.

Scripture *Proof for Obedience to thoſe actually in Government*, 456 to 460.

A Seaman's *Wages equal to that of three common Labourers*, 680. *Their Antipathy to the Land Soldiers*, ibid. 681. *The Seaman's Opinion of a Standing Army in* England, *in oppoſition to a Fleet at Sea as the beſt Security of this Kingdom, in a Letter to a Merchant*, 684 to 693.

Sepulture *allow'd by the Law of Nations*, 464.

Sermons *preach'd on the Death of the late Queen, vindicated and defended*, 522 to 539.

Servants *to the Arbitrary Will of the two laſt Reigns, deſcrib'd*, 205.

Settlement, *the Advantages of the preſent juſtify'd*, 117, 425.

Shaftsbury *(Earl of) Remarks on his Grand Jury*, 26 to 30. Q. *If the Bill ought to be found againſt him?* 27. *The Improbability of the Evidence againſt him*, 29. *The Paper found in his Study, no Evidence againſt him*, ibid. *No Treaſon in't*, 30. *The Evidence given againſt him*, 26, 27.

The Sheriffs *Caſe ſtated about* Wilmer, 31. *How the City could forfeit their Electing* Sheriffs, ibid.

Sidney *(Col.* Algernon) *his Trial remark'd upon*, 45 to 49. *The Jury find the Bill againſt him at firſt ſight*, 45. *Is refus'd a Copy of his Indictment*, ibid. *The Witneſſes againſt him*, ibid. *The Evidence for him*, 46. *Obſervations on the Evidence againſt him, and about the Papers found in his Cloſet*, 46. *Evidence about them defective*, ibid. *His Indictment, an Original*, 47. *His Book contain'd no Treaſon*, ibid. *No Overt-act prov'd againſt him*, 48. *He ask'd the Lord* Howard *no Queſtions, and why*, ibid.

Silence, *when it becomes a Crime*, 742.

Society

An Alphabetical Table.

Society *the Judg of all Civil Rights and Disputes*, 398.

Speaker *of the House of Commons; Considerations upon the Choice of one*, Ann. 1698. 651, &c.

Speakers *formerly went not to Court*, 651.

Stamford *(Earl of) his Speech at the Quarter Sessions at* Leiceſter, 1691. 189 to 193.

State *of Affairs at preſent in* England *impartially conſider'd*, 299 to 309. *Conſiderations upon the* State *of the Nation*, 320 to 329. *The* State *of our Condition in relation to the preſent Parliament*, 369 to 371.

Stock-*Jobbers grown Rich, and how*, 706.

Strafford *(Earl of) his Caſe ſtated*, 554.

Strasburg, *the French Pretenſions to it*, 418.

Subjects *have a Right to their Lives and Liberties, as well as the King*, 405. *What makes one a* Subject *in a Country*, 451. *How Foreigners are* Subjects, 452. *Protection makes one* Subject *of a Country*, 466.

Succeſſion, *the Divine Right of it, the Doctrine of the late Reigns*, 196, 197. Succeſſion *not often obſerv'd*, ib. 245.

Swearing *when accounted true or falſe*, 6.

T.

TAxes *no Charge, in a Letter from a Gentleman to a Perſon of Quality*, 116 to 130. *The Original Intention of* Taxes, 118. Taxes *in* Venice, *in* Holland, *in* Spain, *in the* Empire, *&c.* 119. Taxes *here compar'd with thoſe abroad*, ib. 120, 121. *Uſe of* Taxes *in Foreign States perverted*, 122. *Who pay moſt* Taxes, 122. *Trade improv'd by* Taxes, ibid. *Employs the Poor*, 123. *Improves Mony, and makes it circulate*, 124. Taxes *on Offices*, 126. Taxes *by Poll-mony unequal*, 127. *Alteration of Mony a bad* Tax, ibid. *On Travellers not good*, 128. *The Nature of* Taxes *in* Holland, ibid. *Several Ways of* Taxes *propos'd*, 319.

Terms *of Church-Communion ought to be the ſame with thoſe of Salvation*, 199.

Teſt-*Act by whom obtain'd*, 85, 91.

Tenniſon *(Archbiſhop) his Sermon on the Death of the late Queen vindicated*, 534, 535.

Throne, *how it comes empty*, 407. *The neceſſity of filling it*, ibid.

Thurloe's *Anſwer about* Cromwell's *Government*, 372.

Tillotſon *(Archbiſhop) vindicated from the Aſperſions of the Jacobites*, 523, 528, 533.

Timoleon *of* Corinth *his Saying of the People of* Syracuſe, 734.

Titles *of Land in* England, *by Deſcent or by Purchaſe*, 696. Titles *made publick*, 698. *Abuſes from the uncertainty of* Titles, ibid.

Tories *were againſt the* Habeas Corpus *Act*, 85. Tories *were for the Regency*, 91. Tory-*Williamites*, 211, 212. *The* Tories *pernicious Counſel to K.* William, 220. *Their Counſel about* Ireland, ibid. *Their Practices in the Convention Parliament about the Regency*, 221. *Inſinuate themſelves into the King's Favour by falſe Suggeſtions*, 222. Tories *give the King falſe Notions of Things and Men*, 223. *Obſtruct the Bill for Corporations, and impoſe on the King about the Lieutenancy*, 223. *Give time to the French King to aſſiſt K.* James, 224. *Their treacherous Advice*, ibid. 225. Tories *the Tools of the laſt Reigns*, 377. Tories *how they came into the Miniſtry*, 385. *Their Practices expos'd*, ibid. *No Friends to the Goverment*, 387. *No good Subjects to King* William, 388. *They rejoice at the King's Misfortunes*, 389. Tory-*Principles will always find Friends*, ibid. *Inſtances of betraying our Counſels by 'em*, 389, 390. *How the Government is weakned by them*, 390. Tories *in Places and Offices*, 686. *Their Character*, 689. *See* Whigs, *ſee* Treachery.

Trade *with* France *pernicious*, 123. *Methods of encouraging* Trade, 139. *Advantages of putting the Youth to* Trades, 141. Trade *diſcourages no Almſgiving*, ibid. *Prevents want of all Arts*, 142. *Has promoted the Reformation in many Places*, 155. *Has great Advantage over Popery*, ibid. *The Advantages of Trade in* Holland, 156. *Example of* New-England, 157. *How much Stock imploy'd in the Indian* Trade, 627, 628. *Debates upon the Indian* Trade, 629. *A* Trade *to the* Eaſt-Indies *neceſſary*, 630.

Treachery *of the Tories about* Ireland, 224, 226, 229. *They ſet up the Title of Conqueſt*, 229, 230. *They deſpiſe the Original Contract*, 230. *The Tories have the Commiſſions of the Peace and Militia put into their hands*, ibid. *How they come to be ſo numerous and in favour*, 280. *See* Tories.

Treaſon *and Miſdemeanor ought not to be join'd in the ſame Indictment*, 16. *And why not diſtinguiſh'd in the Evidence in* Colledge's *Trial*, 18. *'Tis no* Treaſon *to charge the King with a perſonal Vice*, 47. *Probable Conſequences ought not to convict one of* Treaſon, 56. *What* Treaſons *to be enquired into*, 205, 206.

Tribute *where due, lawful Power is own'd*, 161.

Trimmers, *who accounted ſuch*, 427.
Truſtees *about the Iriſh Forfeitures under great Diſcouragements in the execution of their Commiſſion*, 778. *Vindicated*, 780. *Their Power not Arbitrary*, 781. *Their Salaries juſtify'd*, 782. *See* Iriſh Forfeitures.
Truth, *the diſcovery of it the end of all Trials*, 20.
Trials, *with Remarks on them*, 1 to 61. *See* Remarks. *All the late* Trials *unreaſonable*, 19.
Tyrants *to be depos'd*, 234.

U.

Surers and Miſers pictur'd, 125.
Uſurpers, *who may properly be ſo call'd*, 445.
Vacancy *of the Throne to be judg'd only by the Nation*, 459.
Validity *of a forcible Contract*, 407.

W.

Wages *of one Seaman equal to that of three common Labourers*, 680.
Wales; *the Birth of the P. of* W. *ſuppoſititious*, 235, 236. *His Title expos'd*, 269.
Warcup *(Col.) a great manager of the Evidence againſt* Colledge, 22.
War, *the Cauſes of the preſent* War *juſt and neceſſary*, 322, 461, 467.
Warrington *(Earl of) his Speech at* Cheſter, Nov. 1691. 193, 194. *His Speech at* Cheſter *to the Grand Jury*, April 1692. 195. *His Charge to the Grand Jury at* Cheſter, Octob. 1692. 201 to 208. *His Charge to the Grand Jury at* Cheſter, 1693. 342 to 349.
Wheeler *(Sir* Francis) *why his Expedition to the* Weſt-Indies *unſucceſsful*, 681.
Whig *or Tory, which of them trueſt to the Intereſt of the preſent Government*, 90, 91.
Whigs *had a great ſhare in the* Habeas Corpus *Bill*, 91. *They were not for the Regency*, ibid. Whig-*Plots contriv'd*, 95. *Conſiderations on both Parties*, 211, 212, 213.
Whigs *Lovers of the King's Perſon*, 384. *Reverence the Church of* England, *and have a reſpect for the Clergy*, 386. *Agree in the Common Good, tho otherwiſe divided*, 391. Whigs *and Tories divided about the Militia*, 595. *The* Whigs *Principles in K.* Ch. II's *time*, 674.
K. William's *Conduct juſtify'd*, 183. *His Lenity abus'd*, ibid. *His lawful and rightful Title aſſerted and vindicated*, 189, 198, 523. *His Counſels betray'd*, 219, 364. *Inſtances thereof*, 220. *Ill Miniſters give him wrong Notions*, 233. *His Government vindicated*, 259. *Not fond of a Commonwealth in* England, 269. *Was not too kind to Diſſenters*, 270. *His Actions vindicated*, 274, 532, 686. *The horrid Conſpiracy againſt his Life, with Reflections on't*, 279, to 299. *The Circumſtances attending K.* William's *Birth*, 287. *A remarkable Inſtance of his Generoſity to the French King*, 292. *His Behaviour towards the late King*, ibid.
K. William *abhorred the thoughts of Conqueſt*, 346, 371. *His Title aſſerted*, 325. *Has ill Counſellors about him*, 337. *The Power of the ſecret Enemies of his Government*, 338. *Has no mind to make himſelf a Duke of* Venice, 382.
K. William *and Q.* Mary *the only rightful King and Queen of* England, 410. *His Character*, 460, 677. *Vindicated as to his Promiſe concerning the diſpoſal of the* Iriſh *Forfeitures*, 733, &c. 738, 755. *His Right to diſpoſe of the forfeited Eſtates not well underſtood*, 740. *His Title to them prov'd*, 742, 756. *Has acted nothing againſt his Promiſe*, 755, 756, 760. *The reaſonableneſs of his rewarding thoſe that deſerv'd well, by the Grants of the* Iriſh *Forfeitures*, 762. *Objections anſwer'd*, ibid. *His great Clemency about the Act of* Reſumption, 771. *His great Concern for the Proteſtants of* Ireland, 772.
Williamites *of two ſorts, Whig and Tory*, 211.
Wilmer's *Caſe* de homine Replegiando, 30, 31, &c.
Withens *(Judg) delivers the Opinion of the other Judges contrary to Truth*, 32.
Witneſſes *when they ſwear in Treaſon, hard to be convict when true or falſe*, 18. Q. *If a* Witneſs *can be examin'd upon Oath for a Priſoner in Capital Matters? the ſame conſider'd*, 19, 20. *A* Witneſs *without Oath, is often of equal Credit with one upon Oath, prov'd by Inſtances*, 23.
Witneſſes *to be Perſons of Credit*, 28.

Y.

YORK's *(Duke of) Eſtate in* Ireland, 766. *Its yearly Value*, ibid. *Diſpos'd of formerly*, 767. *Debates about it. See* Iriſh Forfeitures.

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